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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

THIRD SESSION OF THE THIRD LEGISLATIVE COUNCIL
UNDER THE GOVERNMENT OF INDIA ACT, 1919

Tuesday, the 4th September 1928

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THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 4th September 1928.

The House met at 11 o'clock, the President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.
Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.
Krishnan Nayar, The hon. Diwan Bahadur M.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hye Sahib Bahadur, K.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Adinarayana Chettiyar, Mr. T.
Anantakrishna Ayyar, Rao Bahadur C. V.
Anjaneyulu, Mr. P.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bhaktavatsulu Nayudu, Mr. P.
Bhanoji Rao, Mr. A. V.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Chidambaranatha Mudaliyar, Mr. T. K.
Congreve, Mr. C. R. T.
Cotton, C.I.E., I.C.S., Mr. C. W. E.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Davis, Mr. J. A.
Dorai Raja, Raj Kumar S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Guruswami, Rao Sahib L. C.
Hamid Khan Sahib Bahadur, Abdul.
Hampayya, Rai Sahib M.
Harisarvottama Rao, Mr. G.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. R.
Kay, Mr. Kenneth.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur K.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumara Raja of Venkatagiri.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Luker, Mr. A. T.
Madhavan Nayar, Mr. K.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Marudavanam Pillai, Mr. C.
Moidoo Sahib Bahadur, T. M.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, Mr.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthulakshmi Reddi, Dr.
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayana Rao, Mr. Mothay.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Narayanaswami Pillai, Mr. T. M.
Obi Reddi, Mr. C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Raja of Panagal, K.C.I.E.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar Rao Bahadur C. S.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.

PRESENT—*cont.*

Siva Rao, Mr. P.
Sivasubrahmanya Ayyar, Mr. K. S.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Soundarapandia Nadar, Mr. W. P. A.
Souter, I.C.S., Mr. C. A.
Srinivasa Ayyangar, Mr. R.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Subrahmanya Pillai, Mr. Chavadi K.
Swami, Mr. K. V. R.
Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib.
Tajudin Sahib Bahadur, Syed.
Tampoe, I.C.S., Mr. A. McG. C.
Thomas, Mr. Daniel.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapathi Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Wathen, M.B.E., Mr. F. B.
Watson, I.C.S., Mr. H. A.
Wright, Mr. W. O.
Zamindar of Gollapalli.
Zamindar of Kallikota.
Zamindar of Mirzapuram.
Zamindar of Seithur.
Smith, Mr. W. E.
Ramunni Menon, Diwan Bahadur K.

I

NEW MEMBERS.

The following new members made the prescribed oath or affirmation of allegiance to the Crown and then took their seats :—

Mr. W. E. SMITH

Diwan Bahadur K. RAMUNNI MENON.

II

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Action to be taken on the Report of the Royal Commission on Agriculture.

11 a.m. * 68. *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(*a*) the measures the Government have taken or intend to take on the report of the Royal Agricultural Commission so far as this province is concerned ; and

(*b*) whether they have decided that the field of recruitment for the superior and provincial service should not be restricted to either this province or to India ?

A.—(*a*) & (*b*) The matter is under consideration.

Carrying out of the recommendations of the Royal Commission on Agriculture.

* 69 *Q.*—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state—

(*a*) by what ways and means the Local Government on their own initiative and with their own authority or in co-operation with or under orders of the Government of India are going to carry out the several recommendations of the Royal Agricultural Commission in the various departments ;

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(b) whether it is decided or contemplated to open new experimental agricultural farms and schools in any towns and villages;

(c) what form and scope such farms and schools are to have in order that the results of the research work may reach the cultivators; and

(d) what measures are resolved to be taken to meet the apathy of landlords to take to improved seeds and new methods of cultivation?

A.—(a) The matter is under consideration. The Government of India have however called for a conference of representatives of Local Governments to deliberate how best the recommendations of the Royal Commission can be put into effect.

(b) No such proposal is under contemplation just now.

(c) Does not arise.

(d) The Government will consider the question and welcome any suggestion the hon. Member may wish to make.

Mr. J. A. SALDANHA :—" With reference to the answer to clause (a), may I know on what subjects this Government will take action without the consent of the Government of India?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" Even that is still under consideration."

Mr. J. A. SALDANHA :—" As regards the opening of new experimental farms and schools, which have been recommended to the Local Government long ago and which have also been recommended by the Royal Commission on Agriculture, may I know why they are postponed?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" They are being postponed as the matter is under consideration."

Sriman BISWANATH DAS MAHASAYO :—" With reference to the answer to clause (a) wherein it is mentioned that a conference will be held, may I know where it will be held and whether the agenda will include only the Report of the Royal Commission on Agriculture?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" The conference will be held at Simla on the 1st of October of this year and the agenda has been prepared on the basis of the recommendations of the report and they will be discussed there."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know whether the personnel is settled?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know whether non-officials are included in the personnel?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. A retired official who can be taken as a non-official."

Mr. J. A. SALDANHA :—" May I know when the Local Government will take action on the recommendations of the Report of the Royal Agricultural Commission?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" The matter is under consideration."

Co-operative Societies

Reduction of the rate of interest charged by the Co-operative Societies for Adi-Dravidas.

*70 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state whether any proposals have been made to the Government for reducing the rate of interest charged by the Co-operative Societies for the Adi-Dravidas?

A.—No proposals have been received by Government. The Commissioner of Labour is considering the question in consultation with the Registrar of Co-operative Societies.

Mr. A. B. SHETTY:—"May I know whether the Commissioner of Labour has submitted his report on the question?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Not yet."

Fisheries

Personnel, etc., of the Fisheries Committee.

*71 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state—

(*a*) under what circumstances and for what objects the Fisheries Committee was appointed by Government;

(*b*) what the personnel of the Committee is, and what their qualifications are, for conducting an investigation into the several—including technical—points involved in the enquiry;

(*c*) why no gentlemen representing the fisherman communities or the West Coast people with some first-hand knowledge of the principal fishery institutions on the West Coast were appointed as members of the Committee;

(*d*) whether it is a fact that some of the fisherman communities brought this defect to the notice of Government;

(*e*) if so, why their request was not granted;

(*f*) whether the Committee is expected to scrutinize the policy and operations conducted by the Fisheries Department during Sir K. V. Reddi's tenure of office as Minister; and

(*g*) why Sir K. V. Reddi was appointed as Chairman as well as member of the Committee?

A.—(*a*) At the Finance Committee budget meeting there was considerable discussion among members regarding the Fisheries department and the Committee wished to have definite information regarding the policy and programme of research and manufacturing activities of the department. It was with reference to this desire that the Committee has been appointed.

(*b*) The following is the personnel of the Committee:—

(1) M.R.Ry. Rai Bahadur Sir K. V. Reddi Nayudu Garu, *Kt.*, Chairman.

Members.

(2) M.R.Ry. Diwan Bahadur S. Kumaraswami Reddiyar Avargal, M.L.C.

(3) Dr. F. H. Gravely, Superintendent, Government Museum.

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(4) Khan Bahadur S. K. Abdul Razack Sahib Bahadur, M.L.C.
(5) M.R.Ry. S. Arputhaswami Udayar Avargal, M.L.C.
(6) „ P. V. Manikka Nayakar Avargal, B.E., Retired Superintending Engineer.
(7) „ R. S. Nayudu Avargal, Chairman, Municipal Council, Madura.
(8) Mr. A. McG. C. Tampoe, I.C.S., M.L.C., Secretary to Government, Development Department.

The Government regret they cannot discuss the merits and qualifications of the members. But they have satisfied themselves that the selected gentlemen have qualifications sufficient to advise Government on the points referred to them.

(*c*) The personnel of the Committee includes members acquainted with the conditions of fishermen and with the principal fishery institutions.

(*d*) & (*e*) The suggestion of the fishermen communities that practical fishermen should be associated with the Committee came too late, and, for the reasons given in (*c*), the Government did not think it essential to adopt it.

(*f*) All the past work of the department will come under review by the Committee.

(*g*) Sir K. V. Reddi was selected as a member of the Committee in view of the invaluable knowledge he possesses of the work of the department. He was chosen as Chairman because of his personal qualifications.

Mr. J. A. SALDANHA :—" With reference to the answer to clause (*g*), in view of the fact that Sir K. V. Reddi was the Minister in charge of Fisheries, may I know whether the Government considered him a fit person to judge of the merits of the work done during his term of office ? "

The hon. the PRESIDENT :—" That is asking for an opinion."

Mr. J. A. SALDANHA :—" I want to know whether Sir K. V. Reddi was asked to give his opinion of the work done in the Fisheries Department during his term of office ? "

The hon. the PRESIDENT :—" That is asking for an opinion."

Answers to the Questionnaire issued by the Fisheries Committee.

* 72 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state—

(*a*) when the Fisheries Committee was appointed, when the questionnaire was issued, and what time was given to the public for furnishing answers ;

(*b*) whether any gentleman pointed out to Government or to the Secretary of the Committee the shortness of the time allowed and the necessity for giving more time ;

(*c*) if so, what answer was given ; and

(*d*) the necessity for giving such short time for furnishing the information required ?

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A.—(*a*) The Fisheries Committee was constituted towards the end of May 1928 and it held its first meeting to settle the preliminaries and draft the questionnaire on 4th June 1928. The questionnaire was issued to the newspapers for publication on 22nd June 1928. Copies were sent later to certain gentlemen. The Committee concluded its sittings on the 27th July. Gentlemen interested in the subject could have sent their replies at any time before the 27th July. Certain gentlemen whom the Committee proposed to examine as witnesses were requested to send in their answers as early as possible.

(*b*) Yes.

(*c*) No answer was given because none was required.

(*d*) The time at the disposal of the Committee before the preparation of the budget for the next financial year was short and the Chairman of the Committee had to absent from India from early August to end of October.

Mr. J. A. SALDANHA :—" Why is it there was so much hurry in issuing the questionnaire and requiring the Committee to submit its report within so short a time ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The answer has already been given."

Mr. J. A. SALDANHA :—" When the financial budget is prepared in the month of October or November, why was the opinion required to be submitted by the end of this month ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" They want time to consider the report."

Mr. J. A. SALDANHA :—" Has the report been submitted now ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Not yet."

Mr. J. A. SALDANHA :—" When is the Chairman expected back ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" In October or November."

Mr. J. A. SALDANHA :—" Then will there be time enough to consider the report ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We hope so."

Recommendations of the Fisheries Committee.

* 73 *Q.*—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased

(i) to lay before the House the report and recommendations of the Fisheries Committee, the summary of the written and oral evidence taken by them and the orders of the Government thereon ; and

(ii) to state whether Government have decided to transfer any of the functions of the Fisheries Department to the Salt and other departments ?

A.—(i) The request will be considered after the Committee's report is received.

(ii) No.

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Travelling allowance to witnesses summoned by the Fisheries Committee.

* 74 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state—

(a) whether Government have sanctioned any, and if so, what travelling allowances to members of the Fisheries Committee during their tour ;

(b) whether it is a fact that the non-official witnesses were not given any travelling or halting allowances, and if so, for what reasons ;

(c) how many official and non-official witnesses residing outside Madras or Calicut and their suburbs invited to give evidence at Madras or Calicut refused or were unable to attend and how many of such witnesses did attend for giving evidence at Madras or at Calicut ;

(d) whether any of the official witnesses drew travelling and daily allowance, and if so, at what rate ; and

(e) if the answer to clause (d) is in the affirmative, why Government refused to grant travelling allowance to non-official witnesses that came to give evidence in similar circumstances ?

A.—(a) Railway fare—One first class and one third class.
Daily allowance—Rs. 7-8-0.
Mileage—Annas 12.

(b) Yes. Decision to appoint the Committee was taken only after the budget was framed and there were no funds available for this purpose in the budget. The Government wished to keep the expenses on account of this Committee at a minimum.

(c) Twenty-one non-official witnesses did not appear before the Committee while fourteen did. Eight officials also appeared and gave evidence.

(d) All the official witnesses drew travelling and other allowances according to the Madras Travelling Allowance Rules.

(e) Please see answer to clause (b). It was possible to meet the expenses of the officials from sanctioned appropriations.

Industries

Industrial and Trades schools started by Government since 1920.

* 75 Q.—Rao Bahadur Sir A. P. PATRO : Will the hon. the Minister for Development be pleased to state—

(a) how many Industrial and Trades schools have been started since the year 1920 and the places where these schools are located ;

(b) the amounts sanctioned annually for the maintenance of these schools ;

(c) whether there are any Industrial and Trades schools in Telugu districts or districts north of Madras ;

(d) whether any investigation was made by the Development Department during the years 1920—1928 with a view to open new Industrial and Trades schools ;

(e) whether an investigation will be made into the industrial conditions in the Telugu districts with a view to open Industrial and Trades schools ; and

(f) whether the Government have any report on or reasons for not opening any Industrial school and Trades school in any centre in the Telugu districts ?

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A.—It is presumed that the information asked for is in respect of industrial and trade schools started by Government.

(*a*) *to* (*c*) Nil.

(*d*) *to* (*f*) Investigations were made in the years 1920-21 and, again in 1924—26 as a result of the recommendations of the Committee on Technical and Industrial Education, for the establishment of an industrial school in the Northern Circars. The scheme was abandoned for the reason that a private industrial school had at the time just been established at Bezwada by the Brothers of St. Gabriel and that a Government school near by would jeopardise the chance of success of both. In view of this decision the Government requested the Director of Industries to examine the need for an industrial school on the West Coast and Ceded districts. In accordance with this and in pursuance of the recommendations of the Committee on Technical and Industrial Education, the Government have now under consideration proposals received for the opening of industrial schools at Calicut and Bellary and of a Trades school at Mangalore.

Rao Bahadur Sir A. P. Patro :—" May I know whether the Government made any inquiries as to the desirability of opening industrial and trades schools ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Yes."

Mr. A. Ranganatha Mudaliyar :—" May I know when these schools will be started ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" It is only a question of the availability of funds."

Mr. A. Ranganatha Mudaliyar :—" Whether the Government will consider the starting of industrial schools in the Ganjam and Vizagapatam districts and whether they will secure the opinion of the industrial concerns there ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" That will be considered."

Mr. B. Ramachandra Reddi :—" Is it under the consideration of the Government to start any such schools in Madras ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" There is no such proposal."

Mr. J. A. Saldanha :—" May I know whether money will be found for the opening of schools at least in the month of January next ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" We hope so."

Mr. R. Nagan Gowda :—" May I know when schools will be opened in the upland districts ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" They will be opened when funds permit."

Mr. G. Harisarvottama Rao :—" Will they be opened in the Telugu districts ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" That is a matter under consideration."

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Excise

Present policy of Government regarding prohibition.

*76 Q.—Mr S. SATYAMURTI : Will the hon. the Minister for Public Health be pleased to state—

(a) what his present policy is towards prohibition of alcoholic drink in the province ;

(b) whether he has given up the idea of introducing prohibition in two districts as an experiment ; and

(c) whether this Government is treating the subject of total prohibition as a Transferred subject or as a Central or Reserved subject ?

A.—(a) The position of Government has been set out in G.O. No. 1576, dated 17th September 1926, which was laid upon the Editors' Table and the present Minister for Excise has no intention of receding from that declaration of policy. On 5th June 1928 he convened a meeting of the Excise Advisory Committee in order that he might take its advice on the action to be taken in pursuance of the resolution passed by the Legislative Council on the 22nd October 1927 that total prohibition of drink in the Madras Presidency within the course of twenty years be declared to be the goal of Government. The Committee was unanimously of opinion that the first essential step was the creation of active public opinion throughout the Presidency against drink and educating the masses on the evils of drink in order that any temperance or prohibition measures or legislation undertaken may have the co-operation and support of the general public and was not able to suggest anything else. In accordance with the advice given by the Excise Advisory Committee the Government have agreed to spend money on propaganda work to discourage the drink habit. Further details of the scheme are now being considered.

(b) He never had any idea of introducing prohibition in two districts as an experiment.

(c) This question is now under the consideration of the Government.

Mr. S. SATYAMURTI :—" With reference to clause (a) it is stated in G.O. No. 1576, dated 17th September 1926, that to create a dry India at once or even in the near future is impracticable. May I know what 'in the near future' means ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Will the hon. Member explain what he wants ?"

Mr. S. SATYAMURTI :—" I am asking what the words 'to create a dry India at once or in the near future is impracticable' in the G.O. No. 1576 mean ? That is, what is the sense in which the Government use the term 'in the near future' ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I believe I am not giving a personal opinion when I say that the policy of the Government is given there."

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Mr. S. Satyamurti :—"The Government Order says 'it is impossible for them to commit the Government to more than the undertaking that the Government will work up to that ideal.' Is that the meaning?"

The hon. Mr. S. Muthiah Mudaliyar :—"I believe a repetition will not make it stronger."

Mr. S. Satyamurti :—"Some of us have a vain hope that people must improve. I am asking the hon. Member whether he also accepts the statement, i.e., whether he accepts the position that the ultimate goal of total prohibition is beyond the pale of any specific definite period."

The hon. Mr. S. Muthiah Mudaliyar :—"The statement is there; it is clear enough and it is difficult to make it any the clearer."

Mr. S. Satyamurti :—"There ought to be a definite programme with regard to prohibition in this Province."

The hon. Mr. S. Muthiah Mudaliyar :—"I have already said that the policy of the Government is there and the present Government has no idea of going behind it."

Mr. S. Satyamurti :—"Therefore I am asking to have an idea of the word 'local option.' I shall be satisfied with the meaning the hon. Minister gives to that word."

The hon. Mr. S. Muthiah Mudaliyar :—"'Local option' is very wide and some of the measures the Government have already taken are within the meaning of that word (Laughter)."

Mr. S. Satyamurti :—"The policy of local option is inevitably directed towards the curtailment of the sale of liquor. I am therefore asking whether Government accepts that it is unwise to follow a policy of curtailing the number of places for the supply of liquor."

11-15 a.m. The hon. Mr. S. Muthiah Mudaliyar :—"The word 'local option' is wide. As regards the number of shops, the Government are reducing."

Mr. S. Satyamurti :—"Either I am very dull this morning or my hon. Friend is not attentive."

The hon. the President :—"There should be no cross-examination."

Mr. S. Satyamurti :—"I am simply asking whether the Government accept that policy. I am asking information only on about three or four points. I am not asking for the reasons."

The hon. the President :—"The hon. Member must see that supplemental questions do not amount to cross-examination."

Mr. S. Satyamurti :—"I am not asking about the reasons; I am only asking whether they accept the policy. I am asking whether the Government accept the position that any further reduction in the number of shops is disadvantageous and that such a measure is not a very effective remedy to prevent excessive drinking?"

The hon. Mr. S. Muthiah Mudaliyar :—"They consider that it is not a very potent remedy. To a certain extent they will follow that principle, as far as they think it will be useful."

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Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. Minister intends to carry out the resolution passed by the Legislative Council on the 22nd October 1927 that the total prohibition of drink in the Madras Presidency within the course of twenty years be declared to be the goal of Government? Will he take any practical steps towards that direction while he holds office?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is in a very comprehensive form."

Rao Bahadur C. S. RATNASABHAPATHI MUDALIYAR :—" It is stated that in order to create public opinion with regard to temperance and prohibition, they want to have propaganda work. Will the hon. Minister say whether public opinion is not already overwhelmingly in favour of prohibition and temperance now?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Public opinion of one section of people, viz., the higher classes, is in favour of it; public opinion of the drinking classes is not in favour of it."

Mr. R. NAGAN GOWDA :—" In answer to clause (*a*) it is stated that there should be propaganda work. May I know how much money will be set apart for that purpose?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" As much as is necessary."

Mr. S. SATYAMURTI :—" May I take it that the hon. Minister and the Government will not move in the matter unless the drinking classes come forward and say that they do not want to drink?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am afraid the hon. Member for the University has misunderstood the position. It depends to a certain extent on the feeling of the drinking classes who should be pursuaded not to drink."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. Minister for Excise whether he is not prepared to take any administrative steps apart from propaganda work to further the cause advocated by the resolution of the Legislative Council?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It all depends upon the Excise Advisory Committee. They have advised the present action. If they suggest anything further, I will consider it."

Mr. R. NAGAN GOWDA :—" If I understand the hon. Member correctly, he said that the drinking classes are not in favour of prohibition. May I know what efforts have been taken to find out the opinion of the drinking classes?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" All the means at the disposal of the Government. The views and habits of those people have been ascertained long ago."

Mr. K. R. KARANT :—" May I know whether, apart from the opinion of the Excise Advisory Committee, the hon. the Minister has any policy of his own?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am afraid Mr. President, I cannot give answers as regards my own policy."

Mr. K. R. KARANT :—" As Minister of Government."

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The hon. Mr. S. MUTHIAH MUDALIYAR :—"The Excise Advisory Committee advises the Government and the Government follows that policy."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know whether the Government have any idea of trying the experiment in two districts at least? I am asking the Government and the Minister and not Mr. Mudaliyar."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"No."

Mr. R. SRINIVASA AYYANGAR :—"May I know whether propaganda work will be carried on all over the Presidency or whether the intention is to restrict it only to particular parts of the Presidency?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The intention is to have it all over the Presidency."

Mr. J. A. SALDANHA :—"May I enquire whether the present hon. Minister is aware that Diwan Bahadur Arogyaswami Mudaliyar stated in Mangalore and Salem that the intention of the Government was to introduce total prohibition in two districts?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I am not aware of the pronouncement made either at Salem or at Mangalore. I am aware of some other thing in connexion with that."

Mr. P. C. VENKATAPATHI RAJU :—"May I know whether the hon. the Minister will take action to introduce prohibition in places where there is a strong public opinion, and where the public will actively co-operate in favour of it?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"If the hon. Member will specify the places where there is strong opinion, such steps as are necessary will be taken."

Mr. S. SATYAMURTI :—"May I know if the hon. the Minister has taken note of the fact that his predecessor in office laid down on the floor of this House the policy of the Government—not his own policy during the discussion under the Excise grant? 'Prohibition will be the goal and our excise policy. The idea of a dry Presidency will be accepted and worked up to. Our policy will be further reduction of shops and of the quantity of consumption, and the reduction of the limits of private possession and to adopt such other methods as may be found possible.' May I know the reasons why the hon. the Minister has rejected that policy and has gone back to the earlier statement of policy laid down as early as 1926?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I fail to perceive the difference between the two."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—"The statement was made on the floor of the House. The Government said that they would work up to it by successive stages. May I know whether the hon. the Minister accepts that policy and intends taking any definite step towards securing total prohibition?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"It will be worked up to in the only way in which it is possible to work it up."

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Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" Progressive stages mean definite steps to stop drinking and not carrying out propaganda work. I want to know if the hon. the Minister proposes to take any definite steps in the matter of securing prohibition not by propaganda work."

The hon. Mr. S Muthiah Mudaliyar :—" The Government consider that the next effective way of reducing the drinking evil is to induce the drinking people not to drink."

Mr. S. Satyamurti :—" In view of the answer given, may I know what the Government exactly mean when they say that the first essential step is the creation of active public opinion in order that any temperance or prohibition measures or legislation undertaken may have the co-operation of the general public ? May I ask specifically therefore whether the present hon. Minister's policy is that he will not take any steps towards prohibition until he has specifically created public opinion by propaganda ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I am sorry, Mr. President, that the hon. Member for the University has not been following the answer I gave to the hon. Member, Mr. Venkatapathi Raju. Where there is public opinion and where the circumstances are favourable, steps will be taken."

Mr. S. Satyamurti :—" May I know if there is any district now to the knowledge of the hon. Minister or any area where there is public opinion likely to facilitate such steps towards prohibition being taken ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I should be thankful if information can be given on the matter."

Mr. S. Satyamurti :—" Will the hon. Minister give the information at the disposal of the Government ? "

The hon. Mr. S. Muthiah Mudaliyar :—" There is some information ; the information may not be accurate or may be accurate."

Mr. R. Nagan Gowda :—" Will he be pleased to place the information on the table of the House ? "

The hon. Mr. S. Muthiah Mudaliyar :—" The information is not so definite as to be placed before the House."

Mr. Abdul Hamid Khan Sahib :—" May I know whether the hon. Member is aware that eleven toddy shops that were ordered to be closed were auctioned again by the Collector of Madras ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I am not aware of it."

Mr. P. C. Venkatapathi Raju :—" May I know from the hon. the Minister whether there should be active public opinion throughout the whole Presidency ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I have already stated ' any limited area '."

Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" May I know whether the present hon. Minister has thrown overboard the excise policy of the previous ministry ? "

The hon. Mr. S. Muthiah Mudaliyar :—" I do not think the late Ministry had any definite policy (laughter)."

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Mr. S. Satyamurti :—" May I know then whether the statement which I read out is accepted by the hon. Minister? The recognized policy has been the policy of the Government which the hon. the ex-Minister laid down. May I ask whether the present Ministry accepts that as the policy of the Government?"

The hon. Mr. S. Muthiah Mudaliyar :—" That is the policy of the Government whether it is definite or not."

Progress made towards prohibition in the Madras Presidency.

*77 *Q.*—Mr. S. Satyamurti: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether after his taking office he has done anything towards prohibition in this Province;

(*b*) if so, the nature and the extent of that action; and

(*c*) if no action has been taken, the reasons therefor?

A.—(*a*), (*b*) & (*c*) The Excise Advisory Committee decided that the practical way of working towards the goal was educating the masses in the evils of drink and creating popular opinion and support against it and Government are considering schemes for propaganda work.

Mr. S. Satyamurti :—" May I know what steps he has actually taken, apart from getting proposals or schemes for starting educative propaganda, to start prohibition? May I know, apart from that, whether he has taken any specific steps towards prohibition, temperance, local option or reduction of shops?"

The hon. Mr. S. Muthiah Mudaliyar :—" Shops have been reduced; shops which were open have been closed. That is a definite step."

Mr. S. Satyamurti :—" How many shops and in what districts?"

The hon. Mr. S. Muthiah Mudaliyar :—" Notice; at least twenty shops."

Mr. J. A. Saldanha :—" May I know whether any steps have been taken as proposed by the policy declared by his predecessor to increase the areas of prohibition?"

The hon. Mr. S. Muthiah Mudaliyar :—" Prohibition is to be reached by gradual stages; the reduction of 20 shops to 10 shops is a step in that direction."

Mr. A. Ranganatha Mudaliyar :—" How many of the shops closed are shops which could not be sold in auction?"

The hon. Mr. S. Muthiah Mudaliyar :—" Notice."

Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" May I ask the hon. Minister whether he has rejected the resolution of this House which lays down a definite policy?"

The hon. Mr. S. Muthiah Mudaliyar :—" A policy has been laid down by this House to be reached by successive stages within a period of twenty years. The Excise Advisory Committee which consists of hon. Members of this House were asked to submit practical proposals to give effect to that policy. Their proposals have been accepted."

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Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" May I know whether the opinion of the Advisory Committee is unanimous, because I understand it was not unanimous ? "

The hon. Mr. S. Muthiah Mudaliyar :—" Does the hon. Member want an answer to the question ? I think that the Government state the facts as they are and believe they are so."

Mr. S. Satyamurti :—" May I know specifically now whether the Government have or have not accepted the time-limit of twenty years which this House has adopted by a resolution ? "

The hon. Mr. S. Muthiah Mudaliyar :—" The hon. Member for the University may draw any inference he likes from the answers given."

Mr. G. Harisarvottama Rao :—" May I know whether the hon. the Minister has taken any step to find out by all means available to him whether there is any limited area—the information may be correct or incorrect, may be complete or incomplete—in which prohibition can be introduced ? "

The hon. Mr. S. Muthiah Mudaliyar :—" It is easy to give the information whether it is correct or not. But the Government cannot act unless the information is correct. So we have to find out the correct information."

Mr. S. Satyamurti :—" May I know whether the hon. the Minister for Excise has accepted or rejected or he has made up his mind on the time limit for the attainment of the goal of total prohibition which has been recommended by this Council ? "

The hon. Mr. S. Muthiah Mudaliyar :—" The Government will take such steps as they are advised to take. If total prohibition can be reached within a period of twenty years, there it is ; if it can be reached within a period of ten years instead of within twenty years, there it is. If it cannot be done, there it is not."

Mr. K. R. Karant :—" May I know whether the hon. Minister considers the unanimous opinion of the municipalities and local bodies is a sufficient indication of the popular opinion in favour of prohibition ? "

The hon. Mr. S. Muthiah Mudaliyar :—" To a certain extent it is."

Mr. G. Harisarvottama Rao :—" May I ask the hon. Minister for Excise whether he will take steps to enquire into the possibilities of introducing total prohibition into any limited area he thinks fit ? "

The hon. Mr. S. Muthiah Mudaliyar :—" It all depends upon the extent of the limit the hon. Member is able to point out."

Mr. S. Satyamurti :—" May I know, Sir, whether the steps which the Government propose to take or are taking are intended to bring about prohibition within a period of twenty years or ten years or within any definite period of time ? " 11-30 a.m.

The hon. Mr. S. Muthiah Mudaliyar :—" Whether it will have that effect, it remains to be seen."

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Mr. S. SATYAMURTI :—" I am asking, Sir, whether the steps which the Government are now taking or propose to take or intended by them to bring about—I am asking a question of fact—prohibition within a period of ten or twenty years or within any definite time-limit ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" To carry out the time-limit which has been prescribed by the resolution passed by the Council, this policy is being pursued by the Government."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" The answer says that ' Government are considering schemes for propaganda work '. When Government are convinced of the evils of drink—and Government are the custodians of the safety of the masses—what is the necessity for further propaganda work ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" For the reason that a man may take interest in his neighbour and ask him to desist from the evil."

Minimising the evil of drink among Adi-Dravidas.

* 78 *Q.*—Mr. A. B. SHETTY : Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government are aware that Adi-Dravida men and women spend at least half their wages on drink ; and

(*b*) the steps taken by Government to minimise the evil of drink among these people ?

A.—(*a*) The Government are not aware that the fact is as suggested.

(*b*) The Government have endeavoured to control the liquor trade and minimise the evils of drink by regulating the sale and consumption of liquor, by levying high taxation and by reducing the number of shops and by seeing that they are located in suitable sites. With regard to the depressed classes in particular, Government have directed that as far as possible shops should not be located in or within two furlongs from cheris.

Mr. A. B. SHETTY :—" With reference to the answers to questions 76 and 77, may I know whether the Government propose to ask the Labour Department or the Public Health Department to do propaganda work with a view to discourage the drink habit among the Adi-Dravidas ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Every Department of Government, as far as they can find time to do it, has been asked about it."

Mr. J. A. SALDANHA :—" May I know whether the officers of the Health Department have been encouraged to give advice ? This is not a Department like the Revenue Department ; it is under the hon. Minister."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am afraid the hon. Member from Mangalore has not been following the proceedings of the Council. The prohibition against the officers of the Department doing it has been removed and they are now doing it."

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Medical

X-ray treatment in the General Hospital.

*79 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Public Health be pleased to state—

(a) whether Diwan Bahadur G. Narayanaswami Chetti was treated in the X-ray department of the General Hospital in May 1927 and for how long ;

(b) what was the amount obtained from him for the treatment ;

(c) whether this treatment led to blisters on the back of the patient and whether he consulted Colonel Bradfield for the purpose ;

(d) what was the amount collected from the paying patients in the X-ray department in the years 1924 to 1927 ; and

(e) how much of it was credited to the Government each year ?

A.—(a), (b) & (c) The Government have no information.

(d) & (e)—

Year.	Amount collected.	Amount credited to Government.
	RS.	RS.
1924	13,970	3,589
1925	15,220	3,899
1926	17,035	4,[illegible]61
1927	17,920	4,547

NOTE.—The figures include also the fees received by the staff of the Institute for X-ray work done outside the Institute.

Dr. B. S. MALLAYYA :—" May I know from the hon. the Minister for Public Health whether there are any registers maintained in the Medical Department showing the number of patients treated and the diseases for which they were treated ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Naturally there should be."

Dr. B. S. MALLAYYA :—" If there are such registers, then why is it impossible to trace the name of such a great man as Diwan Bahadur G. Narayanaswami Chetti in the registers ? "

The hon. the PRESIDENT :—" The Government never said so ; they say they have no information. That is all."

Dr. B. S. MALLAYYA :—" Then will the hon. Minister be pleased to call for the information at least for to-morrow, since Mr. Narayanaswami Chetti is on the phone."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am afraid the answer for this question will not serve any purpose and so I do not propose to call for it."

Dr. B. S. MALLAYYA :—" Is the hon. Minister aware that my statement was contradicted and that I knew personally that the Diwan Bahadur was treated in the Hospital, that he was maltreated and that he gave a cheque—I saw that myself. And now for the Government to come forward and say ' We have no information ' is not fair on their part."

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The hon. the PRESIDENT :—" It is not a supplemental question."

Dr. B. S. MALLAYYA :—" I ask him whether it is fair for them to deny all knowledge. When they have got the registers there maintained by the department, the information, I am sure, can be found, if the Government have a mind to call for it ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am afraid the hon. Member has not understood the answer given. The Government do not deny the statement of the hon. Member ; it may or may not be true. But Government do not consider it of sufficient importance to call for the information."

Dr. B. S. MALLAYYA :—" Do the Government consider it their duty to see that a Member of this House is being contradicted on facts ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not know where the contradiction comes. If the hon. Member was willing to ask for the help of the Government, certainly it would have been given."

Dr. B. S. MALLAYYA :—" I appeal to the Government again."

The hon. the PRESIDENT :—" This is not a subject for appeal."

Dr. B. S. MALLAYYA :—" I do not know if the hon. the Minister has read a statement in the Press saying that the Diwan Bahadur was not treated while in fact he was treated ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am sorry I have not been able to follow all the controversies in the press on the subject."

Mr. BASHEER AHMAD SAYEED :—" May I know why the Government evade calling for the information when it is there already ? "

The hon. the PRESIDENT :—" They do not evade ; they say they have no information."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know how the difference between the amount collected and the amount credited to the Government during the four years which amounts to more than Rs. 45,000 was disposed of ? May I know to whom it was paid ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" To the officers. It is stated in the answer : 'The figures include also the fees received by the staff of the Institute for X-ray work done outside the Institute'."

Dr. B. S. MALLAYYA :—" Is the hon. Minister aware that 90 per cent of the fees are received from hospital patients and that the total amount collected for the four years is Rs. 64,145, while the amount credited to Government is only Rs. 16,396 ? Rs. 47,749 have been pocketed by the officers. What is the justification for Government to allow them to take that amount ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not admit the premises ; and so I do not think I can give an answer to that."

Dr. B. S. MALLAYYA :—" Does the hon. Minister know, before giving the answer, that the public have a right to know what has become of the money received in State Hospitals ? "

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The hon. Mr. S. MUTHIAH MUDALIYAR :—" Whatever information the hon. Member wants, I am quite prepared to give."

Dr. B. S. MALLAYYA :—" I want to know what has become of the Rs. 47,000 and odd ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is already stated in the answer that the members of the staff of the Institute have taken it."

Mr. R. NAGAN GOWDA :—" Are these members of the staff paid by the Government ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes ; they are paid for the work they do in the Institute."

Dr. B. S. MALLAYYA :—" Are they paid special fees for X-rays ? Do the officers in the Institute draw more pay than corresponding officers in the Medical department ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Every officer has got his pay fixed."

Dr. B. S. MALLAYYA :—" I want to know if the Government are paying to the officers of the X-ray department any special allowance in addition to the pay which they draw ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" May I tell the hon. Member for Madras that the X-ray expert of Madras is not a medical man at all."

Dr. B. S. MALLAYYA :—" I am glad the hon. Minister admits it, Sir. Will he be pleased to get a medical man very soon ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The Government think that it is not advisable to have a medical man there."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I ask if the remark in the answer is not incorrect that the officers received the fees for X-ray work done outside the Institute ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" All work is not done in the Institute. If the hon. the President will allow me, I shall give some details. There are some patients who are in-patients in the General Hospital, for whom there is no fee. Some patients are sent by other doctors, for which there is a small fee charged and there are certain cases where the officers of the Institute are allowed to take patients and charge their own fees, of which a certain percentage is being credited to the Government."

Raising the Vellore Women's Medical School to a College.

* 80 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Public Health be pleased to state—

(a) whether there is a proposal to raise the Vellore Women's Medical School to a College ;

(b) what the probable initial and recurring cost will be of such a step ; and

(c) whether it is a fact that the admission to the above institution is restricted to Christians ?

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A.—(*a*) Yes.

(*b*) The estimated initial cost of the scheme is Rs. 13,25,500. The Government have no information as to the probable recurring expenditure.

(*c*) No.

Dr. B. S. Mallayya :—" May I know what is the necessity for creating a new medical college in Vellore ? "

The hon. Mr. S. Muthiah Mudaliyar :—" We want to have more trained women."

Dr. B. S. Mallayya :—" Are there sufficient hospitals in Vellore for training medical women ? Is there a maternity hospital there or a lunatic asylum or an ophthalmic hospital or are Government going to construct all these institutions for the education of women at Vellore ? "

The hon. Mr. S. Muthiah Mudaliyar :—" Government are not going to do that."

Dr. B. S. Mallayya :—" Are the Government going to pay half the cost ? "

The hon. Mr. S. Muthiah Mudaliyar :—" They are not going to pay half the cost."

Dr. B. S. Mallayya :—" Are they going to pay anything towards the cost at all ? "

The hon. Mr. S. Muthiah Mudaliyar :—" Rupees 5 lakhs."

Dr. B. S. Mallayya :—" What is the necessity then to create this college when you have not got sufficient number of students in the college at Vizagapatam ? "

The hon. Mr. S. Muthiah Mudaliyar :—" Because all the students in the Presidency cannot be congregated in one place and there must be centres in suitable places."

Proposal for abolition of Medical schools in the Presidency.

* 81 Q.—Dr. B. S. Mallayya : Will the hon. the Minister for Public Health be pleased to state whether the Government propose to abolish some of the Medical schools in the Presidency, and if so, why ?

A.—The reorganization of medical education is under consideration and will be placed before the Advisory Committee and it is premature to say what steps they may suggest.

Dr. B. S. Mallayya :—" Where is the necessity for curtailing the number of medical schools if there is need for building a new school at Vellore ? Where is the necessity for closing down some of the existing schools ? "

The hon. Mr. S. Muthiah Mudaliyar :—" The question is premature, because it was never said that the Government have decided to close down any schools ; but apart from that, they want to have separate schools for men and women."

Dr. B. S. Mallayya :—" I want to know whether women are excluded from the existing colleges in Madras and Vizagapatam."

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Qualifications of the Personal Assistant to the Surgeon-General.

* 82 *Q.*—Dr. B. S. MALLAYYA : Will the hon. the Minister for Public Health be pleased to state—

(*a*) what the special qualifications of Dr. Williams are for the post of Personal Assistant to the Surgeon-General ;

(*b*) what pay he was drawing before and what his pay now is ;

(*c*) what his rank in the service list is ;

(*d*) whether the claims of his seniors were overlooked by his promotion ; and

(*e*) whether, as Personal Assistant to the Surgeon-General, he comes into the selection list ?

A.—(*a*) An experienced and senior medical officer of the standing of a civil surgeon is ordinarily appointed to the post of Personal Assistant to the Surgeon-General and Mr. Williams satisfies these requirements.

(*b*) He was drawing Rs. 900 per mensem in his previous appointment. His pay as Personal Assistant is Rs. 900 plus 100 (special pay).

(*c*) Fifteenth in the list of civil surgeons of Madras Medical Service according to the Quarterly Civil Medical List corrected up to 31st March 1928.

(*d*) The post of Personal Assistant to the Surgeon-General is one of the posts included in the cadre of civil surgeons. The appointment of Mr. Williams to this post does not involve the supersession of any of his seniors.

(*e*) No.

Dr. B. S. MALLAYYA :—" Are there no men above Dr. Williams in the list, when the Government themselves admit that he is the fifteenth ? Are all those people quite unfit to hold the position of Personal Assistant and why is it that Government have chosen a man occupying so low as the fifteenth rank ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The hon. Member is not probably aware that this is not a question of preference over anybody. In the usual course of business, some civil surgeon had to be put in as Personal Assistant."

Dr. B. S. MALLAYYA :—" Why not the 30th man then ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If he is a civil surgeon and if the Government thought him a fit person, he would have been nominated."

Dr. B. S. MALLAYYA :—" Was there any special offer made to anybody else ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" What is the special offer ? "

Dr. B. S. MALLAYYA :—" Was any other man selected for this job ? Did any note go from the Surgeon-General to any other officer of the department ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not think any Member of this House is entitled to know the reasons for all appointments made."

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The hon. the PRESIDENT :—" Whether any Member of this House is entitled to ask for any particular information from the Government is to be settled by the President and not by the Member of Government, and I hope the hon. Minister will kindly withdraw his statement."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am only stating, Mr. President . . . (Cries of 'withdraw', 'obey the Chair', from the Opposition benches)."

The hon. the PRESIDENT :—" Order, order. I have already requested the hon. Minister to withdraw the statement made by him."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I withdraw the statement, if the hon. the President thinks that I refused to give information. What I wanted to say was that it is confidential and therefore cannot be divulged."

The hon. the PRESIDENT :—" The hon. Minister could have said that."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I meant that, Mr. President."

Itinerant work by rural medical practitioners.

* 83 *Q.*—Dr. B. S. MALLAYYA : Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that recently the Surgeon-General has issued a circular to the effect that the rural medical practitioners appointed under the scheme of rural medical relief should do itinerant work by visiting the various villages once a week ;

(*b*) what the status of a rural medical practitioner under the scheme is ; and

(*c*) whether to enable the rural medical practitioner to do itinerant work in the villages, the Government are prepared to grant him conveyance charges, provide a suitable building in the village to be visited and allow him a servant ?

A.—(*a*) Yes ; but the application of the circular to rural medical practitioners has since been rescinded.

(*b*) He is a private practitioner receiving a subsidy from Government.

(*c*) The question does not arise.

Education

Free education for Adi-Dravidas in secondary schools.

* 84 *Q.*—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government propose to give free education for the Adi-Dravidas in secondary schools ; and

(*b*) whether any form of vocational training is given in any of the Labour schools now existing ?

A.—(*a*) There is no proposal under the consideration of Government for the wholesale remission of fees for all Adi-Dravida pupils in secondary schools.

(*b*) The hon. Member is referred to the annual administration reports of the Labour Department which are placed on the Editors' Table.

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Mr. V. Gangadhara Siva :—" Will the Government consider any proposal for giving free education for Adi-Dravidas in secondary schools ? "

The hon. Dr. P. Subbarayan :—" The question of giving free education in secondary schools is, as I have often said, a matter of finance, and in the present state of our finance, the task will be almost superhuman."

Mr. Basheer Ahmad Sayeed :—" May I know, in view of the very liberal grant which the Government are proposing to give to the Sir Annamalai University, whether it is really impracticable to remit fees for Adi-Dravida students who attend secondary schools ? "

The hon. the President :—" The question is argumentative."

Mr. Basheer Ahmad Sayeed :—" May I know whether the Government will at least consider the necessity of remitting fees for the Adi-Dravida pupils ? "

The hon. Dr. P. Subbarayan :—" The Government are giving through the Labour department as much facility as could be given at present for the higher education of Adi-Dravida pupils."

Mr. Basheer Ahmad Sayeed :—" Will they not make it a rule that Adi-Dravida pupils may be admitted free of any fees in all the schools ? "

The hon. P. Subbarayan :—" As I said before, Sir, that will be an impossible task."

Introduction of agriculture in the training course for secondary-grade teachers.

* 85 *Q.*—The Zamindar of Gollapalli : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government will be pleased to consider the proposal of certain agencies to introduce agricultural training in the training course provided for the teachers of the secondary grade ?

A.—The Government do not consider that the introduction of agricultural training in all secondary training schools is either necessary or practicable

Local Boards

Construction of the Srisailam road.

86 *Q.*—Mr. G. Harisarvottama Rao : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) Whether the correspondence between the Government and the President, District Board, Kurnool, regarding the Srisailam road has reached such a stage as to allow the project to be taken up ;

(*b*) if so, whether he will be pleased to state when the construction of the road is expected to begin ; and

(*c*) if not, whether he will kindly state what has so far taken place ?

A.—(*a*) No.

(*b*) & (*c*) The proposal is still under correspondence.

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Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister for Education and Local Self-Government, with reference to the answer to clause (*c*), whether any representation has been made by the President of the District Board that the Government might contribute a larger share towards the expenditure on the construction of the Srisailam road ? "

The hon. Dr. P. SUBBARAYAN :—" A proposal to that effect was made by the District Board President, Kurnool ; but the Government have not found it feasible to accept it."

Religious and Charitable Endowments

Amendment of the Hindu Religious Endowments Act.

* 87 *Q.*—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government propose to remove the defects found in the working of the Hindu Religious Endowments Act and brought to the notice of the Government by the Board by making the necessary amendments in the Act, and if so, when ; and

(*b*) whether the Government have considered the suggestion of the Endowments Board regarding the question of bearing the cost of the Board's administration from Provincial Funds and of abolishing the contribution payable to the Board?

A.—(*a*) The Hindu Religious Endowments Board has submitted a draft Bill to amend the Hindu Religious Endowments Act, 1926. The provisions of the Bill are now under scrutiny. The Bill will be introduced as soon as its provisions have been settled.

(*b*) The suggestion is under the consideration of Government.

Mr. A. B. SHETTY :—" With reference to clause (*b*), may I know how long this suggestion has been before the Government and when a decision is likely to be reached ? "

The hon. Dr. P. SUBBARAYAN :—" I cannot say exactly when a decision on this point would be reached ; but I have been looking into the matter for the last two months."

Civil Justice

Transfer of the Guntur Sarishtadar.

* 88 *Q.*—Mr. G. R. PREMAYYA : Will the hon. the Law Member be pleased to state—

(*a*) whether any transfers of District Court Sarishtadars in the Presidency were ordered by the High Court before the summer recess ;

(*b*) why the Guntur Sarishtadar was not transferred ; and

(*c*) whether Government will be pleased to address the High Court to transfer him ?

A.—(*a*) & (*b*) The Government have no information.

(*c*) Under the Madras Civil Courts Act, 1873, the transfer of Sarishtadars is a matter within the discretion of the High Court.

11-45 a.m. Mr. G. R. PREMAYYA : —" Will the Government be pleased to call for the information with reference to clauses (*a*) and (*b*), and place it on the table of the House ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir."

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A circular of the High Court regarding appointments in the Civil Courts.

* 89 *Q.*—Mr. G. R. PREMAYYA : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government are aware of the High Court's Circular Dis. No. 707 of 1925, dated 20th March 1925 (copy enclosed) [a] ; and

(*b*) what steps the Government or the High Court take when the circular is disregarded ?

A.—(*a*) The Government have now read the hon. Member's copy of the High Court's circular referred to.

(*b*) The High Court takes steps to see that its orders are carried out.

Communal representation in the Judicial department of Nellore, Kurnool and East Godavari districts.

* 90 *Q.*—Mr. G. R. PREMAYYA : Will the hon. the Law Member be pleased to state—

(*a*) what is the proportion of the various communities in the grades 180—10—240, 125—5—150, 80—4—120, 60—4—80, 35—35—1½—50—1—60 and 35—1—40 in the Judicial department of the Nellore, Kurnool and East Godavari districts ; and

(*b*) how many vacancies had arisen in the several grades from 1921 till the end of April 1928, and how they were filled up ?

A.—(*a*) & (*b*) The Government have no information.

Mr. G. R. PREMAYYA :—"Sir, the answer says the Government have no information. May I request the hon. the Law Member to obtain the information and place it on the table ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall call for information on point (*a*), but I do not think that any public interest will be served by calling for information on point (*b*)."

Claims of Indian Christians to Judicial posts.

* 91 *Q.*—Mr. J. A. SALDANHA : Will the hon. the Law Member be pleased (i) to place before the Council a statement showing the number of judicial officers including stipendiary magistrates during the year ending 1st July 1928, their nationality, religion, caste, and qualifications ; and (ii) to state—

(*a*) why hardly any or no Indian Christian has been appointed to judicial posts during that period ;

(*b*) whether it is a fact that there is a greater percentage of law graduates and legal practitioners from among Indian Christians than in any other community or caste except Brahmans ; and

(*c*) what action has been or is being taken in regard to the claims of Indian Christians to judicial posts in the High Court and other courts including magisterial courts ?

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a Printed as Appendix I on page 222 infra.

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A.—(i) The Government do not think it worth while collecting the information required.

(ii) (a) & (c) As far as practicable in making appointments the claims of Indian Christians also are taken into consideration.

(b) The Government have no information.

Hydro-electric Schemes

Hydro-electric works and schemes in this Presidency.

* 92 Q.—Mr. J. A. Saldanha: Will the hon. the Law Member be pleased to state in what stage of execution or development or prospective planning the various hydro-electric works and schemes are in this Presidency with their cost, plans and estimates?

A.—The Chief Engineer for Hydro-electric Development has submitted to Government estimates for the following schemes:—

(1) the Pykara project;
(2) the Glen Morgan scheme; and
(3) the Papanasam project.

Reports and estimates on other schemes have not yet been received.

Pykara Project.

The attention of the hon. Member is invited to the Press Communiqué issued on 19th June 1928 (G.O. No. 1565 W.). As stated in it, three schemes (a), (b) and (c) have been submitted. Scheme (c) has not been worked out in detail. Scheme (a) is estimated to cost about Rs. 220 lakhs in the first year of operation rising to Rs. 308 lakhs in the tenth year and ultimately to Rs. 693 lakhs. Scheme (b) is estimated to cost about Rs. 188 lakhs in the first year, about Rs. 308 lakhs in the tenth year and ultimately Rs. 709 lakhs. The proposals are under examination by Messrs. Merz and Partners, Consulting Engineers to the Railway Board, with reference to the question of Railway electrification.

Glen Morgan Hydro-electric Scheme.

An estimate of Rs. 12·80 lakhs for this scheme has recently been approved by Government in G.O. No. 1770 W., dated 16th July 1928, which has been placed on the Editors' Table. Work on the scheme is being started. A note explaining the scheme in detail has been placed before the Finance Committee and will be found in the Proceedings of the Committee placed on the Council table.

Papanasam Project.

Two schemes have been worked out. The first is estimated to cost Rs. 50·53 lakhs, while the second is estimated to cost about Rs. 98·56 lakhs in the first year of operation rising to Rs. 138·5 lakhs in the fifth year. The proposals are under consideration by Government.

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Mr. J. A. Saldanha :—"May I inquire whether the details of the several schemes will be placed before this House before they are finally sanctioned and the work taken up for execution? Is it the intention of the Government, Sir?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"With reference to the Glen Morgan Hydro-electric Scheme, it has already been sanctioned by the Government. And I may tell my hon. Friend generally that Government have no intention of concealing anything from this hon. House. They want the hearty co-operation . . . ."

Mr. S Satyamurti :—"On a point of order, Sir. This is not the time for making speeches."

The hon. the President :—"The hon. Member has got the right to make a statement."

The hon. Diwan Bahadur M. Krishnan Nayar :—"My hon. Friend Mr. Saldanha wanted some information and I was going to give it. . . ."

The hon. the President :—"We will have to go on with the questions."

The hon. Diwan Bahadur M. Krishnan Nayar :—"If that be the case, I shall not give the answer at all."

The hon. the President :—"The hon. Member will go on."

The hon. Diwan Bahadur M. Krishnan Nayar :—"My answer with reference to the Glen Morgan Scheme is that it has already been sanctioned by the Government. With reference to the other schemes, I will consider the suggestion of my hon. Friend, Mr. Saldanha."

Depressed Classes

Government aid to Adi-Dravidas for building houses.

*93 Q.—Mr. A. B. Shetty : Will the hon. the Home Member be pleased to state—

(a) the help rendered by Government to the Adi-Dravidas to put up cottages on the house-sites granted to them ;

(b) whether timber, bamboos, etc., are freely supplied to them from Government lands ; or

(c) whether they are given any money grants ?

A.—(a) & (b) Attention is invited to the annual administration reports of the Labour Department which have been placed on the Editors' Table. In cases where the depressed classes are too poor to purchase building materials, such articles are supplied to them free.

Mr. V. I. Muniswami Pillai :—"Sir, with reference to the answer given that building materials are supplied free to Adi-Dravidas, may I know from the hon. the Home Member the districts where such supplies were made?"

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—"I should like to have notice, Sir."

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Labour

Fixation of a minimum limit for deposits under Workmen's Compensation Act.

*94 *Q.*--Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether the Government of India have been addressed in regard to Sir George Paddison's suggestion that a minimum limit should be fixed in respect of the deposits of compensation under section 8 (2) of the Workmen's Compensation Act, 1923; and

(*b*) if so, when, and with what result?

A.—(*a*) Yes.

(*b*) In July 1927: the suggestion is being considered by the Government of India along with other suggestions for the amendment of the Act.

Mr. A. Ranganatha Mudaliyar:—"May I know whether after July 1927 a further reference with regard to this matter was made?"

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur:—"No, Sir."

Amendment of the Workmen's Compensation Act, 1923.

*95 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state the steps taken by the Government—

(i) to modify or get modified section 1 (4) D of the Workmen's Compensation Act, 1923, so as to provide that, if the disablement continues beyond ten days, the half-monthly payment should be declared payable from the date of the accident;

(ii) to fix the minimum compensation due to the families of workmen for fatal accidents at Rs. 750;

(iii) to put an end to the recovery of medical and hospital charges from the compensation payable to workmen when they are attended by qualified medical practitioners under section 11 of the Act; and

(iv) to empower the Commissioner to take action *suo motu* in cases where compensation is not deposited with him or to ask for details of how the compensation amounts were fixed in cases not filed before him?

A.—The Government of India have been addressed in the matter.

Deduction of money order commission from compensation to minor dependants of workmen.

*96 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether the money order commission paid for remittances made to guardians of minor dependants of workmen is deducted from the amount of compensation at the credit of the minor dependants; and

(*b*) if so, the steps taken by the Government to put an end to such a practice?

A.—(*a*) Yes.

(*b*) The Government of India have been addressed in the matter.

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Refund of doctor's fees, etc., deducted from the compensation due to workmen.

* 97 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state for the year 1927—

(a) the cases in which the employers deducted—

(i) Doctor's fees; and

(ii) other expenses such as medicine and food respectively from the compensation due to workmen; and

(b) the measures taken for having such amounts refunded to the workmen?

A.—(a) The Government have no information.

(b) The Government cannot take any action in the matter. It is for the workmen concerned to avail themselves of the provision of the Workmen's Compensation Act.

Mr. A. RANGANATHA MUDALIYAR:—"With reference to clause (a), will the Government be pleased to call for information whether there was really any deduction made for doctor's fees and other expenses, and if so, how many such cases there are."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I will consider it."

Motor Vehicles Act

Increase of levy for 'G' permit for taxi cars.

* 98 Q.—Mr. K. R. KARANT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that whilst before March last taxi cars had to pay only Rs. 8 for the 'G' permit, since then they have to pay in addition to the said amount Rs. 20 for every six months for brake inspection, so that in all they have now to pay Rs. 48 per year;

(b) under what rules or law the said imposition is made;

(c) what steps the Government have taken or intend to take to reduce such demands; and

(d) whether Government derive any profit out of these charges or whether they only meet the cost of the services of the inspecting agency?

A.—(a) Yes.

(b) The fees are levied under the Motor Vehicles Act and Rules.

(c) None.

(d) Some profit is made over and above the cost of the inspecting agency. Government do not consider that the fees are high. They are charged both for inspection by a competent person and for guaranteeing a sense of responsibility in the car owners.

Mr. K. R. KARANT:—"May I ask, with reference to clause (a), whether before raising the fee from Rs 8 to Rs. 48 any objections from the public were invited?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I do not think so, Sir."

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Police

Exemption of Mr. Padmappa from Public service qualifications.

* 99 Q.—Mr. K. R. Karant : Will the hon. the Home Member be pleased, with reference to the answer to question No. 1785, dated 23rd March 1928, (i) to place on the table of this House a statement showing the full qualifications, such as educational, departmental, length of service, etc., of the various sub-inspectors on duty in South Kanara on the date when Mr. Padmappa was granted exemption including the qualifications of Mr. Padmappa and (ii) to state—

(a) for what period the said Mr. Padmappa was serving as a head constable and under which of the sub-inspectors ;

(b) on what date he was made a sub-inspector ;

(c) to how many of the sub-inspectors aforesaid he was a junior ;

(d) how long he was in the last grade of sub-inspectors and when he was promoted to the first grade all at once ;

(e) how many and which of the other sub-inspectors had acted as inspectors and whether they were found competent or incompetent; if so, which of them ; and

(f) whether the Government will call for the information and place on the table of the House the certificate of exemption in question?

A.—(i) & (ii) (a) to (d) The Government have no information; they have called for it.

(ii) (e) The Government will inquire as to the points raised in the first part of the question but must decline to enter into the comparative competence or incompetence of various officers.

(f) A copy of G.O. No. 1340, Public, dated 22nd December 1927, is laid on the table. [a]

Mr. K. R. Karant :—"May I ask the hon. the Home Member whether the exemption in question does not do injustice to 32 sub-inspectors?"

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—"The question has already been decided, Sir."

Economic condition

Free supply of building materials to sufferers from fire accidents in Tiruvannamalai division.

* 100 Q.—Mr. T. Adinarayana Chettiyar : Will the hon. the Member for Revenue be pleased to state—

(a) whether he is aware that serious and destructive fires broke out in Tiruvannamalai division, North Arcot district, recently ;

(b) the number of fires since January last, the number of houses burnt down and the approximate value of property lost through these fires ;

(c) whether Government gave any help to these sufferers in the matter of rebuilding their huts ; and

(d) whether the Government will be pleased to investigate into the matter and order the free supply of building materials to the sufferers?

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a Printed as Appendix II on pages 222–223 infra.

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A.—(*a*) & (*b*) The Government are aware that a fire occurred in Tiruvannamalai town on 8th January 1928 and that about 130 houses were destroyed. The value of the property lost has not been reported. The Government are not aware of any other fire in Tiruvannamalai division since January last.

(*c*) & (*d*) The Collector of North Arcot sanctioned the free grant of building materials to the value of Rs. 978-8-0 to the persons affected by the fire which broke out on 8th January 1928.

Forest Panchayats

Improvement of the supply of avaram bark.

* 101 *Q.*—Mr. A. Ranganatha Mudaliyar : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the forest panchayats have agreed to improve the supply of avaram bark ;

(*b*) the steps taken by them to carry out their promise together with the cost they have incurred or are likely to incur thereby ; and

(*c*) whether the Government have guaranteed to the panchayats to make good any loss they may incur as the result of their undertaking to improve the supply of avaram bark ?

A.—(*a*), (*b*) & (*c*) The Government have not the information and have called for a report.

General

Constitution of a separate Andhra province.

* 102 *Q.*—Mr. G. Harisarvottama Rao : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether any further steps have been taken by the Government of Madras in the matter of the constitution of a separate Andhra province beyond sending up to the Government of India the discussion in the Council ;

(*b*) whether the Government of India have held any correspondence with the Government of Madras on this question since February 1928 ; and

(*c*) if so, what the correspondence is ?

A.—(*a*) No.

(*b*) & (*c*) The answer to clause (*b*) is in the negative.

Mr. G. Harisarvottama Rao :—" May I know from the hon. the Revenue Member whether he is prepared once more to communicate with the Government of India and let this House know what has taken place with regard to the resolution of this House ? "

The hon. Sir Norman Marjoribanks :—" In regard to what, Sir."

Mr. G. Harisarvottama Rao :—" Whether the Government of India has the matter under consideration, whether they have disposed it of, and, if they have disposed it of, in what manner ? "

The hon. Sir Norman Marjoribanks :—" No, Sir. The answer to the question is there."

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Irrigation

Reduction of assessment on second crop in Anantapur district.

* 103 Q.—Mr. G. Harisarvottama Rao : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered Mr. Rutherford's view —vide page 74 of Legislative Council Proceedings, dated 13th March 1928— that the second crop charge under spring channels in the Anantapur district should be reduced to a flat rate and that they should be classed as "precarious sources"; and

(b) if so, what action they propose to take in the matter ?

A.—(a) & (b) The Government considered the report of the Board of Revenue on the subject (which report is laid on the table)[a] and in agreement thereto decided not to take action in the direction suggested.

Mr. G. Harisarvottama Rao :—"With reference to the appendix, which admits as it does that it is not possible to fix exactly appropriate rate of faslijasti without exhaustive enquiries in several districts, may I know from the hon. the Revenue Member whether he is prepared to get an enquiry made so far as the Anantapur district is concerned as a typical case ?"

The hon. Sir Norman Marjoribanks :—"I do not agree with the premise, and therefore do not accept the suggestion."

Assistance to ryots for the execution of kudimaramat works.

* 104 Q.—Mr. G. Harisarvottama Rao : With reference to paragraph 2 (A) of G.O. Mis. No. 2463, Revenue, dated 30th November 1927, will the hon. the Member for Revenue be pleased to state—

(a) what steps the Government have taken to let people know of their readiness to help them in cases where, owing to long continued neglect, for many years past during which period the Revenue Officers have omitted to enforce the work of repair by customary labour, the work involves considerable labour and expense ;

(b) whether applications have been received in any individual cases ;

(c) whether any amount has been set apart for this purpose ; and

(d) whether any help has been rendered in this direction since 13th March 1928 ?

A.—(a) The Government Order on the subject has been issued as an instruction to all Revenue and Public Works Department officers and the Board's Standing Order on the subject will be amended in due course.

(b), (c) & (d) No case has been so far reported for the orders of Government.

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[a] Printed as Appendix III on page 223 infra.

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Investigations regarding the Kanchalamma tank project.

*105 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state regarding the Kanchalamma tank project (vide page 335, Madras Legislative Council Proceedings, Vol. XXXVIII)—

(a) what steps have been taken to let the villagers concerned know of the intentions of the Government;

(b) whether the question of the water-rate has been discussed with them by any responsible officer; and

(c) if so, what the result of such discussion was?

A.—(a), (b) & (c) A report has been called for.

Re-examination of the Gudempad project.

*106 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government is re-examining the Gudempad project in the Dhone taluk of the Kurnool district; and

(b) if not—

(i) whether it is a fact that in 1912 it was estimated to yield a net revenue of 2·5 per cent,

(ii) why the project was thereafter dropped,

(iii) whether the Government now propose to re-examine the scheme?

A.—The consideration of the Gudempad project was postponed in 1912 until experience had been gained of the working of the Venkatapuram and Kocheruvu tanks then under construction. The Government have recently called for a report from the Chief Engineer on the question of the revival of the project.

Re-examination of the Duvvaleru project.

*107 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are re-examining the Duvvaleru project in the Markapur taluk of the Kurnool district; and

(b) if not—

(i) whether it is a fact that in 1922 it was estimated that the net revenue with a water-rate of Rs. 8 and Rs. 4, would be Rs. 5,797,

(ii) why the project was thereafter dropped,

(iii) whether the Government now propose to re-examine the scheme?

A.—(a) Gaugings of the river Duvvaleru have been taken and the Chief Engineer has been asked to report whether the results show that the project is feasible;

(b) (i) & (ii) The figures given by the Hon'ble Member are correct except that the year referred to is 1920. In that year detailed investigation was ordered and gaugings began to be taken. The project was not thereafter dropped.

(b) (iii) The attention of the Hon'ble Member is invited to the answer to clause (a).

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Repairs to the supply vagu to Damerla tank.

* 108 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(*a*) how long the supply vagu to the Damerla tank in the Cumbum taluk of the Kurnool district has been breached at Kottapalli;

(*b*) what the acreage and assessment under the said tank is—

(i) under double crop wet,

(ii) single crop wet,

(iii) irrigable dry;

(*c*) whether owing to the breach Gojeruvu tank which received its supply from the surplus water of this vagu, is in danger of being flooded by rush of water beyond its capacity; and

(*d*) why the supply vagu to the Damerla tank has not been repaired yet?

A.—(*a*), (*c*) & (*d*) Information on these points has been called for.

(*b*) The following particulars are taken from the Settlement Registers:—

Damarla cheruvu—Fasli 1319—*Class III—Capacity*—6 *months*.

Registered double crop wet	Nil.
First crop wet	312 acres.
Dry irrigated in fasli 1319	28 ,,
Second crop wet in fasli 1319 ...	43 ,,
Assessment	Rs. 1,721
Charge for water (on dry crop) ...	,, 188
Net revenue ...	Rs. 1,909

Gocheruvu tank—Class III—Capacity—6 *months*—*Fasli* 1318.

First crop wet	Nil.
Dry irrigated	6 acres.
Actual area of second crop	Nil.
Assessment (wet)	Nil.
Charge for water on dry crops ...	Rs. 23

Land Assignment

Facilities to Adi-Dravidas for improving waste lands.

* 109 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government are aware that the waste lands assigned to the Adi-Dravidas through the Labour department in South Kanara are generally third-rate dry lands which cannot be brought under cultivation without spending a good deal of labour and money;

(*b*) whether a portion of the lands granted are resumed year after year on account of the assignees' failure to pay the assessment;

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(c) whether the Government propose to give any special facilities to these people to improve the land and make it productive ; and

(d) whether they have considered the question of waiving the assessment for the first few years until the land brings in a return ?

A.—(a) & (b) The Government are not aware that the facts are as alleged.

(c) There is no such proposal under the consideration of the Government.

(d) The question of remitting for the first few years the assessment on all lands assigned to the depressed classes in the Presidency was considered by the Government in 1922 The Government then came to the conclusion that a general exemption of this kind was not calculated to further the object in view. The Government have, however, sanctioned the exemption of lands assigned to the depressed classes from the liability to pay assessment and irrigation cess in certain special cases, e.g., lands in the Divi Island, and in Kistna and Nellore districts.

Mr. A. B. SHETTY :—" With reference to the answer to clauses (a) and (b), may I know whether Government will call for a report from South Kanara ? "

The hon. Sir NORMAN MARJORIBANKS :—" Yes, Sir."

Reservation and Assignment of lands to depressed classes.

* 110 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased—

(i) to place before the Council a statement showing

(a) the areas in the several districts of lands,

(1) reserved for the depressed classes,

(2) assigned to them,

(b) the conditions as to payment of assessment, cultivation, building houses, etc., under which such lands have been assigned and

(c) the areas of lands resumed for neglect of the terms, and

(ii) to state—

(a) whether on the whole the conditions laid down have been observed by the assignees ;

(b) how many wells have been dug (i) by the assignees or (ii) by Government in the lands assigned and at what cost ; and

(c) what steps have been taken (i) to notify the survey numbers or sub-survey numbers of the lands (a) reserved for the depressed classes, and (b) assigned to them, and (ii) to indicate by walls or fences such (a) reserved and (b) assigned lands ?

A.—(i) (a) The attention of the hon. Member is invited to statements VII and II appended to the Administration Report of the Labour Department for the year ending 31st March 1927 printed in G.O. No. 2434 L., dated 26th October 1927, which has been placed on Editor's Table.

(b) The assignment of cultivable land to depressed classes is on ordinary ryotwari tenure with the special conditions specified in clauses (d) and (f) of paragraph 38 of B.S.O.

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No. 15. The assignment of house-sites in villages is free of assignment and subject to the conditions specified in Appendix XXI at page 82 of Board's Standing Orders, Volume II.

(*c*) The Government have no details on this point.

(ii) (*a*) The Government cannot say as no detailed investigation of the matter has been yet made. The Commissioner of Labour and the Board of Revenue are considering the question of organizing a system of regular inspection of lands assigned to depressed classes in order to ensure that the special condition prohibiting alienation is observed and that the assignees really own the land assigned.

(*b*) The hon. Member is referred to paragraph 50 and statement VI in the Administration Report printed in G.O. No. 2434 L., dated 26th October 1927, referred to above which contains all the information that has been compiled.

(*c*) (i) (*a*) The hon. Member is referred to B.P. No. 1187, dated 5th March 1925, which was laid on the Council table on 20th August 1925.

(*c*) (i) (*b*) The Government presume that assigned lands are omitted from the lists published under the Board's instructions referred to in the answer to the previous clause ; but will enquire.

(*c*) (ii) (*a*) & (*b*) Walls and fences are not recognized survey marks under the Madras Survey and Boundaries Act, VIII of 1923. Assigned lands are mapped by survey numbers and subdivisions and demarcated with stones separately from unassigned lands.

Mr. J. A. SALDANHA :—" With reference to clause (i) (*c*), will Government be pleased to call for a report on the subject ? "

The hon. Sir NORMAN MARJORIBANKS :—" If the hon. Member will refer to the answer to clause (ii) (*a*), it would be clear that 'the Commissioner of Labour and the Board of Revenue are considering the question of organizing a system of regular inspection of lands assigned to depressed classes in order to ensure that the special condition prohibiting alienation is observed and that the assignees really own the land assigned.' In view of that, the Government do not propose to make an independent enquiry."

Land Revenue

Land Revenue Bill based on joint Parliamentary Committee's recommendations.

* 111 *Q.*—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government propose to introduce a Land Revenue Bill to carry out the recommendations of the Joint Parliamentary Committee of 1919 during the life of this Council ;

(*b*) if not, why not ; and

(*c*) when this Government addressed the Government of India last on this Bill, and what was their reply ?

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A.—(*a*) & (*b*) The attention of the hon. Member is invited to the statement made by the hon. the Revenue Member about the Land Revenue Settlement Bill in his speech on the general discussion of the Budget for 1928–29 on 2nd March 1928.

(*c*) A letter from the Government of India on the subject was answered on 7th October 1927. No further communication has been received from that Government.

Mr. S. SATYAMURTI :—" May I know whether subsequent to 2nd March 1928 to which reference is made in answer to clauses (*a*) and (*b*), this Government addressed the Government of India with regard to permission to introduce a Bill in consonance with the wishes of this House on this matter ? "

The hon. Sir NORMAN MARJORIBANKS :—" The question is answered, Sir, that no further communication has been received from that Government."

Mr. S. SATYAMURTI :—" I am asking with reference to the statement made by the hon. the Revenue Member on 2nd March 1928, that ' it is not open to this Government to bring forward a Bill with a provision making the rates of assessment subject to the vote of this House. And the reason why Government have not brought forward a Bill is that the House has more than once clearly expressed the view that they are not willing to accept a Bill which does not contain such a provision.' I am asking whether subsequent to that statement this Government have addressed the Government of India whose permission is presumably what is required before the Government can introduce a Bill of that kind."

The hon. Sir NORMAN MARJORIBANKS :—" No, Sir."

Mr. S. SATYAMURTI :—" May I know why the Government have not introduced a Bill ? "

The hon. Sir NORMAN MARJORIBANKS :—" The Government have already explained why, Sir."

Mr. S. SATYAMURTI :—" Is it not open to this Government to ask the Government of India to reconsider the matter in view of the opinion of this House ? "

The hon. Sir NORMAN MARJORIBANKS :—" I do not think so, Sir."

Mr. S. SATYAMURTI :—" I am asking whether it is not open to this Government to address the Government of India ? "

The hon. the PRESIDENT :—" In the opinion of the Government, it is not open."

Mr. S. SATYAMURTI :—" May I know if it is intended by this Government to take no further action on this matter ? "

The hon. Sir NORMAN MARJORIBANKS :—" In the circumstances, no."

Mr. S. SATYAMURTI :—" What are the circumstances under which this Government will approach the Government of India ? "

The hon. Sir NORMAN MARJORIBANKS :—" I cannot prophesy, Sir."

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Loans

Loans under the Land Improvement and the Agriculturists Loans Acts.

*112 Q.—Mr. A. Ranganatha Mudaliyar : Will the hon. the Member for Revenue be pleased to state—

(a) the total amount of loans disbursed every year in the Bellary district under the Land Improvement and the Agriculturists Loans Acts respectively from the year 1921 ;

(b) the total amount of the instalments that were due for repayment and the amount out of them actually collected or postponed as the case may be in each of the said years, and

(c) the total number of cases together with their amount ordered to be summarily recovered in each of the above years ?

A.—(a) & (b) The hon. Member is referred to statements 16 and 17 appended to the annual jamabandi reports which have been placed on Editors' Table.

(c) This information is not available from any existing return and would have to be specially compiled.

Mr. A. Ranganatha Mudaliyar :—"With reference to the answer to clause (c) that the information is not available for all the years, can I have the information for the last two years ?"

The hon. Sir Norman Marjoribanks :—"I will consider the suggestion, Sir."

Working of the Land Improvement Loans Act and the Agriculturists Loans Act.

*113 Q.—Mr. A. Ranganatha Mudaliyar : Will the hon. the Member for Revenue be pleased to state the proposals under the consideration of the Government for improving the working of the Land Improvement Loans Act and the Agriculturists Loans Act ?

A.—The Government are investigating the question of the feasibility of reducing the rate of interest charged on advances made to cultivators under the Loans Acts. They have also under consideration the question of amending the rule relating to the levy of penalty on arrears.

Public Service Commission

Public Services Commission Bill.

*114 Q.—Mr. S. Satyamurti : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government propose to introduce a Public Services Commission Bill ;

(b) if so, on what lines ; and

(c) when ?

A.—The matter is under correspondence with the Government of India. The Government are therefore unable to make any statement on the subject at this stage.

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Mr. S. Satyamurti :—" Since this answer was sent, may I know if any further correspondence has passed with regard to this Bill and at what stage the matter stands ? "

The hon Sir Norman Marjoribanks :—" No, Sir."

Secretariat

Communal representation in the Law Secretariat.

* 115 Q.—Mr. G. R. Premayya : Will the hon. the Member for Revenue be pleased to state—

(*a*) what is the proportion at present of the various communities in each of the several grades both in the Gazetted and Non-Gazetted service till the grade 40--40—1½—55--1—65, in the Law Secretariat of the Government of Madras ; and

(*b*) how many vacancies have arisen in the several grades from 1921 till the end of April 1928, and how they were filled up ?

A.—(*a*) The hon. Member is referred to the establishment list of the Law Secretariat corrected up to the 31st March 1928, copy of which is available in the Legislative Council Library.

(*b*) The Government regret that they are aware of no sufficient reason for undertaking the compilation of the information asked for.

Settlement

Names of villages in Godavari and Kistna districts selected for enquiring into the indebtedness of ryots.

* 116 Q.—Mr. D. Narayana Raju : With reference to paragraph 38 of the scheme report for the resettlement of Godavari and Kistna districts, will the hon. the Member for Revenue be pleased to state—

(*a*) what are the villages selected for making enquiries into the indebtedness of the ryots ;

(*b*) how many ryots were examined in each of the said villages ; and

(*c*) whether a list of the ryots examined would be placed on the table of the House together with a tabulated statement of the facts deposed to by each of them ?

A.—(*a*), (*b*) & (*c*) The Government have no further information other than that already published in the scheme report.

Mr. D. Narayana Raju :—" May I know whether the hon. the Revenue Member will be pleased to call for the information asked for in the question ? "

The hon. Sir Norman Marjoribanks :—" As regards clauses (*a*) and (*b*), yes ; not as regards (*c*), because the Government do not feel justified in publishing the private affairs of ryots."

Mr. A. Ranganatha Mudaliyar :—" In view of the fact that there are statements in the scheme report which have been based on an enquiry into the condition of the ryots, is it not necessary that the names of those ryots should be given to indicate whether or not the enquiry will justify the conclusions ? "

The hon. Sir Norman Marjoribanks :—" I do not think that the names are material."

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Proposals of the Special Settlement Officer regarding kistbandi and the enhancement of ground-rents in Godavari and Kistna districts.

* 117 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether, as stated in paragraphs 54 and 55 of the Scheme Report for the resettlement of Godavari and Kistna districts, the Special Settlement Officer has since submitted his proposals regarding kistbandi and the enhancement of ground-rents ; and

(*b*) if so, whether copies of those proposals would be placed on the table of the House ?

A.—(*a*) & (*b*) *Kistbandi.*—Prior to the scheme report, the Special Settlement Officer had submitted proposals regarding the kistbandi for Razole taluk. Orders were passed on them in G.O. No. 1728, dated 8th October 1926, which was placed on the Editors' Table. Regarding the other taluks, the Special Settlement Officer did not propose any change and none has been made.

Ground-rent.—The Special Settlement Officer's proposals have not yet been received.

Mr. D. NARAYANA RAJU :—" May I know whether the Government propose to publish the proposals of the Settlement Officer with regard to ground-rents, when they are received ? "

The hon. Sir NORMAN MARJORIBANKS :—" The suggestion will be considered, Sir."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.]**

III

DURATION OF THE PRESENT SITTING OF THE COUNCIL.

* Mr. T. ADINARAYANA CHETTIYAR :—" Before we proceed to the next item on the agenda, I may say that some Members on this side are anxious to know how long this sitting will last, and whether there is going to be any meeting on Friday, which I understand is a public holiday. I ask because we have not made considerable progress so far in view of the large number of items on the agenda not yet reached."

*The hon. the PRESIDENT :—" Will the Government make a statement ? "

* The hon. Sir NORMAN MARJORIBANKS :—" If we finish the business on which we are engaged at present, we need not prolong the sitting. If not, we should go on either on Friday or on Saturday."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Do they want to continue the sitting till all the business is finished, or will it not suffice for the Government if the Simon Committee motion is disposed of ? Can they not postpone the other items of business to the next meeting."

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*The hon. the PRESIDENT :—"I think the Government will be able to answer that point."

The hon. Sir NORMAN MARJORIBANKS :—"Yes, Sir, as soon as we see how the matters stand at the end of this day."

IV

ADJOURNMENT MOTION *IN RE* THE CARNATIC PAPER MILLS, LIMITED, RAJAHMUNDRY.

*The hon. the PRESIDENT called upon Mr. J. A. Saldanha to make his motion on the question of Mettur, and Mr. J. A. Saldanha said :—"I am not going to move that, Sir."

Mr. K. V. R. SWAMI :—"I move for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the question of recent negotiations for sale of the interest that the Government have acquired in the Carnatic Paper Mills, Limited, Rajahmundry."

* The hon. the PRESIDENT :—"I wish to know what the Government have to say on the point of urgency and on the point whether the motion relates to a matter of recent occurrence." 12 noon.

The hon. Mr. M. R. SETURATNAM AYYAR :—"I am afraid, Sir, that the question is not so urgent as the hon. Member seems to think. I assure him that I shall have the matter discussed with him this afternoon and I am confident that I shall convince him that an adjournment of the business of the House is not necessary. I have no objection to have the matter discussed in the House ; but I do not think that the hon. Member will press it after he has discussed the matter with me."

Mr. K. V. R. SWAMI :—"We may arrange to have the motion taken up to-morrow. If I am in the meanwhile satisfied with the explanation of the Minister, I shall not press it."

* The hon. the PRESIDENT :—"No such arrangement is possible. Has the hon. Minister any objection regarding the urgency and the recency of occurrence of the matter ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—"I have no objection ; only I request that this matter may be taken up for discussion day after to-morrow."

* The hon. the PRESIDENT :—"It cannot be done under the Standing Orders. I hold that the motion is in order. Does any member of the House object ? (After a pause.) No objection having been raised, I fix to-morrow 2-30 p.m. as the time when this matter will be taken up for discussion."

V

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid [a] on the table copies of the Press Communiqué dated 31st August 1928, containing a brief statement of the facts of the South Indian Railway strike and the attitude of the Government in relation thereto.

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a Printed as Appendix IV on pages 224-226 infra.

ELECTION OF A COMMITTEE OF THE COUNCIL FOR CONFERRING WITH THE INDIAN STATUTORY COMMISSION—*cont.*

* The hon. the PRESIDENT :—" The hon. Member for the University said yesterday that 'Reforms' is not one of the portfolios of the hon. the Revenue Member. But the distribution of portfolios published with the proceedings of the Council, dated 27th March 1928, shows that Reforms is one of the Central subjects included in the portfolio of the hon. the Revenue Member."

Mr. S. SATYAMURTI :—" Sir, my point was and is that this is a Central subject which this Government can at best administer only as an agent for the Central Government. My second point was that while the business of sending despatches to the Government of India or to the Secretary of State on the subject of Reforms may be in the portfolio of the hon. Member, the work of the Simon Commission and the appointment of a committee by this Council to confer with the Statutory Commission cannot be said to be a department administered by the hon. the Revenue Member whose sanction is necessary for this motion being in order."

Mr. K. R. VENKATARAMA AYYAR :—" Sir, I wish to raise certain points of order in connexion with the motion now moved."

* The hon. the PRESIDENT :—" Are they fresh points of order ? "

Mr. K. R. VENKATARAMA AYYAR :—" I shall simply mention them. The present motion contravenes rule 24 (*a*) (1) and (2) read with Standing Orders Nos. 54 and 55."

* The hon. the PRESIDENT :—" I believe the hon. Member has already given us his assistance yesterday on this question. I should like to avoid repetition."

Mr. K. R. VENKATARAMA AYYAR :—" The next point is that the motion raises substantially the same question as was raised in the House in its resolution of 24th and 25th January 1928 and is therefore in contravention of Standing Order No. 65 (1)."

* Mr. J. A. SALDANHA :—" Sir, I rise to a point of order which has been touched from another point of view by the hon. Member for the University. The question that was debated in the House last January was whether the House should co-operate with the Simon Commission and the House decided that they would have nothing to do with it. It is beyond the competency of this House, it is *ultra vires* of this House, to take up this question now. The House has no powers to appoint a committee to co-operate with the Simon Commission."

* The hon. the PRESIDENT :—" In that respect, I wish to know whether the hon. Member recognizes that this Council is co-operating with the South Indian Railway and the Madras and Southern Mahratta Railway by sending its representatives to their advisory committees, that this Council is co-operating with the Tata Research Institute at Bangalore by sending one of its members to the Board of that Institute, and that this Council is co-operating with the Government by electing Members to the Finance Committee which is not contemplated by the Rules and Standing Orders."

Mr. ABDUL HAMID KHAN :—" By a special resolution of the House."

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* The hon. the PRESIDENT :—" Here also there is a resolution for co-operation with the Simon Commission and not with the Government."

* Mr. J. A. SALDANHA :—" Sir, the Finance Committee is constituted by the House in exercise of its financial powers. It is appointed by a resolution of the House. Then as regards Railways, things like the comforts of passengers are within the cognisance of the House. There is also the question of who is to pay the allowances for the members who are to be appointed to the Committee. The allowances of the members sent to the Railway Advisory Committees are paid by the Railways themselves and not by the Government. I want to know who is to pay the allowances for the members of the Council Committee to co-operate with the Commission. I wanted to put a specific question on this point to the hon. the Finance Member. If the hon. the President will allow me, I shall put the question to him now."

* The hon. the PRESIDENT :—" This is not question time. I am, however, prepared to waive the required notice and have the question answered by the Government to-morrow."

* Mr. J. A. SALDANHA :—" Now, Sir, I shall say that the allowances of these members who are to be elected to the Committee to co-operate with the Simon Commission will have to be met out of the funds of this Government, and I leave it to the hon. the Finance Member to contradict me if it is not so. I see, Sir, that I am not contradicted and therefore I take it for granted that the funds will have to be provided for by this Government. Now, Sir, what are our powers, the powers of the toy parliament as we call it ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Is my hon. Friend in order in calling this a toy parliament ? "

* Mr. J. A. SALDANHA :—" We had the honour of a visit from a Member of Parliament, and he stated that however well conducted our Legislative Councils might be, they were no more than toy parliaments. I have pointed out that we have not got any more powers than the tiny House of Commons of the middle ages."

The hon. the PRESIDENT :—" The hon. Member is requested to come to his point of order."

* Mr. J. A. SALDANHA :—" Sir, I submit that the burden of proof that this House has got powers to appoint a committee and invest it with certain powers and functions is on the hon. the Mover of the motion. None has spoken on this point on the other side of the House except the Advocate-General. There is no use of quoting the Standing Orders and the Rules which only fix the procedure in the House and do not give us any power. There should be some clear law showing the jurisdiction of the House in such matters. Is there anything, I ask, to show that the Council has powers to appoint a committee with equal status and powers with the Simon Commission, that they will have the same power of investigation and inquiry and examination of witnesses and access to all documents as the Simon Commission itself. . . ."

* The hon. the PRESIDENT :—" What is the point of order ? I am not able to follow the hon. Member in his point of order."

* Mr. J. A. SALDANHA :—" I say, Sir, there is nothing in the law to show that we have got powers to appoint a committee like this and invest it with certain powers and functions. I challenge the hon. the Law Member or

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any other Member of the Government to show that under such and such a section this Committee is to be appointed. The only authority we have is based on the two letters of Sir John Simon. What power has Sir John Simon to ask this Council to appoint a committee?"

* The hon. the PRESIDENT :—"I am afraid the hon. Member is going into the merits of the question."

* Mr. J. A. SALDANHA :—"There is absolutely nothing to show that this House has got the power . . ."

12-15 p.m. * The hon. the PRESIDENT :—"I am afraid the hon. Member is repeating his own arguments."

* Mr. J. A. SALDANHA :—"Now we shall see whether there is anything in the rules or in the Act. We shall see what those functions are."

* The hon. the PRESIDENT :—"The hon. Member need not go into the question of functions; it does not comprise the point of order."

* Mr. J. A. SALDANHA :—"They are not covered by any rules at all. Then there is the schedule here; I have gone carefully through it in vain to find out whether we can exercise this power of appointing a certain committee to do certain functions and spend some amounts. There is nothing in the list to warrant that we can appoint a committee of this sort. The other day, one gentleman asked what about the Mettur Committee. What was only a deputation was called a committee."

* The hon. the PRESIDENT :—"I don't think the hon. Member is justified in taking the time of the House by advancing arguments that were addressed to him privately."

* Mr. J. A. SALDANHA :—"Every committee appointed is covered by certain rule or section of the Act. I say that this Committee is *ultra vires* and I hope the President will hold that we are acting *ultra vires* in appointing this Committee."

Mr. A. KALESWARA RAO :—"Mr. President, the most important question is whether there is a department referring to this motion and if there is no department then there can be no Member of the Government in charge of it, and as such no consent referred to in rule 24-A can be forthcoming. Here, Sir, the Statutory Commission has been appointed under section 84-A by a Royal Warrant. The Secretary of State alone has the power to suggest names to both Houses of Parliament."

* The hon. the PRESIDENT :—"I am afraid the hon. Member is going into the merits of the question. The hon. Member is requested to mention the point of order."

Mr. A. KALESWARA RAO :—"That the Simon Commission is a subject which is beyond the jurisdiction of the definition of 'subjects'."

* The hon. the PRESIDENT :—"That is a point which has already been urged by the Deputy Leader of the Congress party."

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Mr. K. R. Karant :—" Sir, I shall take not more than a minute of your time. I will concede for the sake of argument that there is a third class of motions which are not resolutions, and which can be brought with the consent of the President and the Member of Government concerned. My point of order is that anyone else can bring it, but not the person who is to give the consent, not the Member of the Government, conceding that the Member is in charge of the subject."

*Mr. G. Harisarvottama Rao :—" Mr. President, I merely wanted to refer to certain points, but my Friend from South Kanara has preceded and anticipated me. I want to elucidate the points. I refer you, Sir, to the definitions in the rules. There is the definition of a Member; there is the definition of a Member of the Government. A 'member' means a member of the Council. A 'Member of the Government' is: 'a member of the Executive Council or a Minister, and includes any member to whom such member may delegate any function assigned to him under these rules. Now, there are two classes of members in this House; of these two classes' the first is certainly comprehensive of the other. But the second is a specialized membership. If there is a specialized membership in this House and if in virtue of that specialization there are special powers given to such a special member, then that special member in so far as he has to exercise such powers is precluded certainly from exercising the category of powers that appertain to the ordinary member. I therefore feel that the hon. the Revenue Member was entirely wrong in giving his consent or presuming to give his consent to this matter. He had absolutely no business to give consent to a matter which he wanted to move as a member of this House. It is a most improper use of his power under rule 24-A and I request you to hold that it is illegal. It is illegal for the reasons I have stated; it is only the barefaced bureaucracy that is ruling this country in the name of liberalism, that can have the temerity to come forward and say through its Member of Government that he can give consent to a motion in which he and his Government are intimately interested. It is a misuse of the power that is given under Rule 24-A. I therefore have no hesitation in hoping that you will hold that the Member had no jurisdiction in this case to give his consent. If he chose, he could have said: 'I am the Member in charge; I cannot give consent; I shall move an ordinary resolution and take the risks of a ballot, risks of notice and risks of discussion later on.' He has no business to take shelter under the definition of a motion under 24-A and he has no business to come forward and say 'Here I am moving this particular resolution for the benefit of my Government.' It is a gross misuse of the power. I am sure, you, Mr. President, will protect the interests of this House, the privileges of this House. The privileges that we enjoy are certainly few, and these privileges should not be allowed to be cut off in this manner by a person using his specialised position in this House, who is not here either as an elected member or a nominated member but who is here ex-officio, in his capacity as Member of the Government. That he should have come forward with this particular motion is merely audacious.

" I want to elucidate another point in reference to Rule 24-A itself. There has been a great deal said about the three subjects, and I desire to point out to you, Sir, as President, that Rule 24-A does not take away your right to decide the subjects which have to be discussed under this rule; because,

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whether you call it a motion coming under a special category, as you were pleased to put it yesterday, or whether you call it a resolution, it is clear that you have powers to rule it out of order, if it offends the rules and standing orders under which subjects should be brought forward in a resolution. 'Subjects in regard to which a resolution cannot be moved' are the words. There is no distinction made in the name of either a 'motion' or a 'resolution' so far as subjects are concerned. It has been attempted to make it appear that the word 'subjects' refers only to the three subjects mentioned in Rule 23 (1)."

* The hon. the PRESIDENT :—"That is a point which the Deputy Leader has already drawn our attention to. I don't like that the time of the House should be occupied by repeating arguments already advanced."

* Mr. G. HARISARVOTTAMA RAO :—"I am merely elucidating the Standing Orders. The Standing Orders are binding upon this House and the Standing Orders have to be enforced by you as President as long as they are not repugnant to the rules. There is a provision that a subject can be permitted to be discussed under this rule only when it comes within the subjects that can be moved as resolutions. Now I ask whether the standing order with regard to the limit of time of one year does or does not apply to this particular question. It does. Because the Governor is given power to rule what is an allowable subject under sub-rule (1) of Rule 23, that does not take away your power to rule that any subject is not a subject that can be discussed as a resolution. There is nothing in the standing orders that conflicts with the intention of this rule. You have the right to enforce this standing order and rule that this particular motion is out of order. On these two grounds I urge that this motion is entirely out of order and I request you to rule it as such."

* Mr. M. A. MANICKAVELU NAYAKAR :—"Mr. President, I am rather inclined to respond to the kind invitation of the hon. Member for South Kanara. Yesterday, in raising the point of order, the hon. Member for the University pointed out many objections. He referred to the latter portion of Rule 24-A namely 'except with the consent of the President and of the Member of the Government to whose department the motion relates', and said that in this case there is no such consent. The 'consent' theory applies only when the motion is brought forward by a private member of the House. When a motion is brought forward by a Member of the Government, the very fact of the moving of the motion will amount to consent *ipso facto.*

"Then the hon. Member referred to Standing Order No. 54 and said that it refers only to resolutions and not to motions. Now, resolutions stand apart from motions and then even in motions there are motions like adjournment motions, censure motions and motions of a peculiar sort like the one which we are having now. Standing Order No. 54, says '(*a*) it shall be clearly and precisely expressed and shall raise a definite issue ; and (*b*) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.' Because this standing order refers only to resolutions and not to motions, have we in our practical experience, in moving adjournment motions and censure motions, couched them in language which is defamatory or ironical or in any way affecting the conduct or character of persons? We have not done so.

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" Therefore what is the provision under which such abuse is prevented? 12-30 p.m.
Standing Order No. 79 provides for such contingencies. It says :

'The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the rules or the Standing Orders.'

" Here in this case though Standing Orders Nos. 54 and 55 refer to resolutions and there is no mention about motions, Standing Order No. 79 comes to the rescue and helps in framing the language and subject matter of adjournment motions and special motions of the sort we are now considering. Therefore the argument that Standing Orders Nos. 54 and 55 refer to resolutions and that there is no special provision for motions of this sort is absolutely unfounded.

" Sir, coming now to the boycott resolution of January last, I may say that it was passed by many Members of the House with mental reservations. Sir, you may be aware that the hon. Mr. Krishnan Nayar then moved an amendment in which he clearly stated under what circumstances the House might prabably co-operate with the Commission. As many as 20 hon. Members voted for that motion and 30 or 35 remained neutral. That clearly shows that Members of the House then had different views on the boycott resolution. It is only for the sake of convenience that all sections of the House agreed to the bare skeleton of a resolution that was passed that day. Therefore, the resolution then carried is proof, if proof were needed, of the fact that different sections of the House interpreted it in different ways. Because one section of the House interprets it in one way, we cannot say that the matter cannot be reopened. As a matter of fact, after that resolution was passed many changes have taken place in the procedure of the Commission. It may be that in the opinion of a certain section of the House those changes do not mean much. Other sections of the House view it differently. Therefore you will be quite right in allowing the rediscussion of the question in view of what has happened."

* Rajkumar S. N. Dorai Raja :—" Mr. President, it is too late in the day to question the competency of the Government to move this motion. All Provincial Governments are subordinate to the Secretary of State who derives power from the Parliament which is the highest authority in the British Empire. When Parliament appointed this Commission, as Lord Birkenhead has said . . . "

* The hon. the President :—" Is the hon. Member raising any new point of order or is he only answering the point of order already raised?"

Rajkumar S. N. Dorai Raja :—" Answering the point of order."

* The hon. the President :—" The hon. Member is trying to answer Mr. Saldanha's point of order?"

Rajkumar S. N. Dorai Raja :—" Yes, Sir (Laughter). My hon. Friend Mr. Satyamurti said that it was not the business of the Government to bring this motion."

Mr. S. Satyamurti :—" I did not contemplate this discussion, Sir. I raised a point of order and it is now entirely in your hands."

Rajkumar S. N. Dorai Raja :—" Apart from permutations and combinations and interpretations, the fact remains that my hon. Friends opposite know that they are fighting a losing battle."

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Mr. S. SATYAMURTI :—" Sir, these remarks are hardly relevant to the point of order I have raised. We may yet win the battle in spite of Mr. Dorai Raja."

* The hon. the PRESIDENT :—" At this stage the hon. Member is requested to confine himself to the point of order."

Rajkumar S. N. DORAI RAJA : —" Sir, the Government is competent to bring in this motion." (Cries of 'Oh' from the Opposition benches.)

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" Mr. President, Sir, it seems to me that the present objection is practically the same as was brought in yesterday, and on which you, Sir, have given your ruling. When once it has been ruled that the present proceeding before the House is not a '*resolution*' I fail to see how Standing Order No. 54 will stand in the way. It says :

'Subject to the restrictions contained in the rules and the Standing Orders, any member may move a "*resolution*" relating to a matter . . .'

" When once your ruling was given yesterday that the present proceeding is not a 'resolution,' I am not able to see how that Standing Order has got any substantial bearing upon this preliminary objection.

" The next point urged by the hon. Member was that the consent mentioned in rule-24 A should not be that of the Member who moves. My submission is that this objection is equally untenable. With reference to '*resolutions*' which could ordinarily be brought forward only after giving 15 days' notice, under the provisions of Standing Order No. 53 except with the consent of the Member in charge, I understand that the practice of this House under Standing Order No. 53 has always been that it is open to a Member of Government himself to bring forward a resolution on shorter notice though he happens to be the Member of Government who has to give his consent."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is there any instance of that ?"

* The hon. the PRESIDENT : —" Mettur."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, the Advocate-General is referring to resolutions."

* The hon. the PRESIDENT :—" I think that with regard to the Mettur Project, the hon. the Law Member in charge of Irrigation tabled a resolution for the acceptance of the House."

Mr C. V. VENKATARAMANA AYYANGAR :—" Was it worded as a recommendation to Government ?"

* The hon. the PRESIDENT :—" It was not, I think, in the form of a recommendation to the Government. But there was a motion under the Cotton Transport Act. That Act requires that the rules framed should obtain the approval of the Council. It was put to the Council in this way on the former occasion : 'That this Council recommends to the Government that the following rules may be adopted."

Mr. C. V. VENKATARAMANA AYYANGAR :—" It is so probably on the present occasion."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" Some hon. Members may remember such occasions."

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* The hon. the PRESIDENT :—" Even on a former occasion the wording was as follows: 'The Council approves and recommends to the Government that the rules may be adopted.' "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If I remember correctly, there have been many resolutions of that kind under the Local Boards Act also."

* The hon. the PRESIDENT :—" The question is whether the wording is 'recommends to the Government' or 'approves'. If it is only 'approves' it is a mere motion."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Then the question of ballot will come in."

* The hon. the PRESIDENT :—" For Government resolutions there is no need for ballot."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" I am very much obliged to you, Sir; if it were otherwise, it would be an idle formality when the Members of Government are unanimously agreed upon a particular point, that there should be one Member of Government in charge of a particular department to bring in a motion like this and formally get the consent of another member of Government. There is nothing in this which is wrong in principle when the power to grant consent is in one's (mover's) own hands. It is too much of technicality to say that he could give his consent only upon a formal application made by somebody else. So that, the argument that as the hon. the Revenue Member is the authority to grant permission, he is consequently disentitled from himself being the mover is, I submit, without any reason or foundation.

" Then much stress was laid upon the fact that Reforms (Simon Commission) could not be a 'subject' and that there could not be a department of Government like that and that consequently the rule requiring the consent of the Member in charge of the department could not be satisfied in this case. As hon. Members are aware, there is the main distinction in the Government of India Act as well as in the Legislative Council Rules between central subjects, provincial subjects and transferred subjects. All subjects that are not provincial subjects are central subjects. A reference to paragraph 12 of the Functions Committee Report makes that absolutely clear. It is said there that every subject which is not a provincial subject is a central subject. That is what item 47 of the Devolution Rules, Part I, also means. It is open to the Governor-General in Council in connexion with those subjects which are not provincial subjects to ask that the work in regard to the administration of such central subjects be done through the medium of the Local Government (Mr. S. Satyamurti: Agency work), and have the administration of such central subjects thus carried on. In rule 46 it is provided that when arranging for such work the Governor will follow the same procedure in distributing the portfolio among the Members of his Council. I find from page 2 of Volume XLII of the Legislative Council Proceedings of 13th March 1928 that the subject of Reforms (No. 12) is in the portfolio of the hon. the Revenue Member. That being so, for the purpose with which we are now concerned, namely, the authority for the time being who supervises that particular subject, we have got the expression of opinion of the Governor in Council that the hon. the Revenue Member is the person who is to be in

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charge and is to supervise matters relating to it. That being so, the hon. the Revenue Member is the Member in charge of that department. There is nothing particularly magical in the word 'department.' Looking into the pocket Oxford Dictionary, I find that 'department' means 'any of the separately managed branches of a great organization, especially the affairs and officials supervised by a Minister of State.' So that in any reference to a subject supervision over which is delegated to any particular member, it is clear that that member should be taken to be in charge of that department. That being so, there is nothing wrong in that member himself making a motion and in giving his consent, as required by rule 24-A. It is thus apparent that none of the objections taken are tenable, while the main objection now taken has been disposed of by your ruling yesterday."

The hon. the PRESIDENT :—"I shall give my ruling after lunch interval.
12-45 p.m. The Council will now adjourn and re-assemble at 15 minutes after 2 p.m."

The House accordingly adjourned for lunch.

After lunch 2-15 p.m.

DURATION OF THE PRESENT SITTING OF THE COUNCIL—*cont.*

* The hon. Sir NORMAN MARJORIBANKS :—"Regarding the time that is required for Government business, I may say that as these two days, namely, Monday and Tuesday, have been already taken up by the House in discussing this motion, the Government will require either Friday or Saturday for finishing their business."

(One Member remarked that he could not hear anything as to what the hon. the Leader of the House said.)

* The hon. the PRESIDENT :—"The question is how long this sitting is likely to continue. Friday being a holiday, the House will have to sit on Saturday. If, however, hon. Members have no objection to continue the sitting on Friday, Government too will have no objection. But if they have any objection to continue the sitting on Friday, the Council will have to sit on Saturday. That is what the hon. the Leader of the House said."

Mr. SAMI VENKATACHALAM CHETTI :—"So far as the notification went, the Members of the Legislative Council were informed that there would be two non-official days and two official days."

* The hon. the PRESIDENT :—"The practice is to give intimation to hon. Members only of the allotted number of non-official days. Government act on the presumption that the Council will continue to sit till all their business is finished."

Mr. SAMI VENKATACHALAM CHETTI :—"I do not object to that, Sir. But what I submit is that we were intimated that only two days would be allotted for official business."

* The hon. the PRESIDENT :—"My Secretary says that he did not give any intimation to hon. Members about the number of official days."

Mr. SAMI VENKATACHALAM CHETTI :—"So long it has been the custom for the House to adjourn soon after the allotted days for non-official business are over."

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* The hon. the PRESIDENT :—"If the Government do not finish their business before the days allotted for non-official business, they have got a right to ask me to continue the sittings."

Mr. SAMI VENKATACHALAM CHETTI :—"I suppose it is done on consultation with the other parties in the House."

* The hon. the PRESIDENT :—"It has never been the practice as far as my knowledge goes.

VI

HOUSE COMMITTEE.

* The hon. the PRESIDENT :—"Regarding the election of six members to the House Committee, I have to announce to the House that the following candidates have been duly nominated for election to the Committee :—

1. Diwan Bahadur P. C. Ethirajulu Nayudu.
2. Mr. T. Adinarayana Chettiyar.
3. Rao Sahib L. C. Guruswami.
4. Mr. P. Anjaneyulu.
5. ,, C. S. Govindaraja Mudaliyar.
6. ,, Ramanatha Goenka.

"As the number of candidates for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the abovementioned Members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

"Under Standing Order 80, I have nominated Mr. P. T. Rajan and Mr. Soundarapandya Nadar to be Members of the Committee."

ELECTION OF A COMMITTEE OF THE COUNCIL FOR CONFERRING WITH THE INDIAN STATUTORY COMMISSION—*cont.*

* The hon. the PRESIDENT:—"The question is whether the motion of the hon. the Leader of the House is in order or not.

"The first and principal argument advanced against the motion is that it is barred by Standing Order 65. That Standing Order says: 'When a resolution has been moved in the Council no resolution or amendment raising substantially the same question shall be moved again within one year.' On the 24th of January last, during the last session of the Council, a resolution was moved in the Council in the following terms :—

'That this Council recommends to the Government that they do convey to His Excellency the Viceroy and His Majesty's Government the resentment of this Council at the appointment of the Statutory Commission and that they do advise His Majesty to abolish the constituted Commission and order the institution of a representative Round Table Conference to be composed of delegates elected by the elected Members of all the Legislatures of India.'

It was passed in an amended form which is immaterial for the purposes of Standing Order 65. It is sufficient to say that it would prevent another resolution raising substantially the same question being moved till the 24th of January next, though a new session has opened.

"It has therefore to be decided (1) whether the present motion is a 'resolution' and (2) whether it raises substantially the same question as the resolution of January 1928. I do not propose to deal with the second point, as, on

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account of my decision on the first point, I consider its decision unnecessary. Therefore, I shall only deal with the question whether the present motion is a resolution.

"Now, a resolution is defined in the rules as meaning 'a motion for the purpose of discussing a matter of general public interest. Under rule 23 (1) of the rules, every resolution shall be in the form of a specific recommendation addressed to the Government. The chapter of the Standing Orders entitled 'Resolutions' in which Standing Order 65 occurs, refers and has always been understood to refer only to resolutions in this restricted sense, viz., to motions on matters of general public interest being specific recommendations addressed to the Government. And it was for this reason that provisos 2 and 3 of Standing Order 53 appearing in that chapter were removed from that chapter to the chapter entitled 'Financial business' as those provisos related to financial business. Standing Order 65 does not apply to motions other than such resolutions.

"In fact, at the time when the Standing Orders were made, it is doubtful whether a motion of this kind could have been made at all. It was by means of rules passed in the year 1926 that all doubt as to the power of this Council to entertain and discuss motions on matters of general public interest, which were not specific recommendations addressed to the Government, was removed. Neither the Government of India Act of 1861 nor the Government of India Act of 1892 recognized the power of the Council to entertain motions of any kind except those relating to legislation. It was under the Government of India Act of 1909 and the rules passed thereunder, otherwise known as the Minto-Morley Reforms, that the right to move resolutions on matters of general public interest was conferred upon the Legislative Council; but then those resolutions had to be moved in the form of specific recommendations to the Government and subject to all the restrictions which still continue to govern the moving of resolutions in the above restricted sense. I was in the Council in those days, and in those days even the resolutions on the financial statement of the Government had to be in the form of specific recommendations to the Government. When the present Reforms were introduced in 1919, the Council obtained powers for the first time to entertain motions other than resolutions, but these powers were clear only in so far as they extended to the making of a motion for the adjournment of the House on a definite matter of urgent public importance and of motions on the budget. It was still doubtful whether this Council had a right to entertain other kinds of motions such as a motion of no-confidence in the Ministers or a motion on a matter of general public interest not being a specific recommendation to the Government, or even a motion for an address to the Governor in a case in which a communication could be made to him under the Government of India Act or the rules made thereunder. In this connexion, the ruling of Mr. Swamikannu Pillai disallowing certain motions on the 4th March 1924 on the ground that they were not admissible under the Rules or Standing Orders will come to the mind of hon. Members. In 1926, the Government of India made the present rule which is embodied in rule 24-A. It was made simultaneously with the rule providing for motions of no-confidence in the Ministers, viz., rule 12-A. Now, this rule (rule 24-A under which this motion has been brought, recognizes the right to make motions for an address to the Governor in a case in which a communication could be made to him under the Government of India Act or the rules made thereunder and

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further it allows motions other than resolutions to be discussed on matters of general public interest provided that the previous consent of the President and of the Member of the Government concerned has been obtained, and provided that the subject is a subject in regard to which a resolution can be moved.

" Regarding motions for the discussion of matters of general public interest, a clear distinction must therefore be made between motions which are recommendations to Government and motions which are not. The former are 'Resolutions' and the latter are not.

" The motion before the House is not a resolution in this restricted sense. It is not a specific recommendation addressed to the Government and, so far as I can see, is incapable of being converted into a recommendation to the Government.

"It is contended that motions contemplated by rule 24-A are also 'Resolutions' but that they are resolutions not made in accordance with the rules. In this sense, every motion can be called a resolution, a distinction being made between (1) resolutions moved in accordance with the rules, by which I take it, specific recommendations to the Government are meant, and (2) resolutions moved not in accordance with the rules. But rule 24-A itself calls the motions made thereunder only 'motions,' and makes a distinction between 'motions' under it and 'resolutions' moved in accordance with the rules. It also contains an express provision enabling His Excellency the Governor to disallow under certain contingencies 'motions' made under that rule, a provision which would be unnecessary if such motions also were resolutions ; for a provision for the disallowance of 'any resolution' already existed in rule 22 (1). I emphasize the words 'any resolution' in rule 22 (1).

" Standing Order 65 contains a restriction of an exceptional character on the right of discussion in a particular way of matters of general public interest. It applies whether a question raised by a previous resolution has been voted upon or not and even where a resolution has been only moved and withdrawn. Paragraph 2 of Standing Order 65 even debars the moving within the same session of a resolution when a previous resolution on the same matter has merely been disallowed. Such an exceptional Standing Order which has no counterpart in the procedure of the House of Commons on which the practice of this House is based, cannot be extended to cases to which its application is not warranted by its strict letter. Standing Order 65 only prevents the repetition within a year of what I may for the sake of effect call, petitions to the Government, and does not prevent the discussion within a session by the Council of motions which are not petitions to the Government.

" Standing Order 65 is a practical reproduction of a corresponding Standing Order which had existed in the pre-Reform days. That Standing Order ran as follows :—

'26. When a question has been discussed at a meeting of the Council or when a resolution has been disallowed under rule 7 or withdrawn under rule 19 no resolution or amendment raising substantially the same question shall be moved within one year.'

" There was no provision in the old Standing Orders corresponding to the present Standing Order 30. The motions that could be moved then were all of an advisory character and were merely resolutions and the only Standing Order against their repetition was the one quoted above. When, however, a

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class of motions on matters of general public interest other than recommendations to the Government was newly introduced, it became necessary to introduce a new Standing Order and that Standing Order is now Standing Order 30. It contains the normal rule against the repetition of motions, a rule obtaining in both Houses of Parliament and I believe in other Houses modelled upon the English Parliament. That Standing Order says :—

'A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.'

"It is that standing order that must therefore apply to the present motion.

"No sufficient reason whatever has been adduced why this standing order does not apply to the present case but only Standing Order 65. If all motions were resolutions, there is no reason why there should be one rule against repetition as regards motions and another as regards resolutions."

Mr. S. SATYAMURTI :—"On a point of order, Sir. It is now 2-30 p.m. May I now move my adjournment motion ?"

The hon. the PRESIDENT :—"I rule that the hon. Member is in order and he can move his motion."

VII

ADJOURNMENT MOTION *IN RE* THE SOUTH INDIAN RAILWAY STRIKE.

*Mr. S. SATYAMURTI :—"Mr. President, Sir, I beg to move—

'*That the business of the House be adjourned to consider a definite matter of urgent public importance, namely, the action taken by the Madras*
2-30 p.m. *Government in connexion with the recent strike of the workers of the South Indian Railway Company, especially their indifference to arbitrate between the workers and the company.*'

"Sir, my charges against the Government which I want this House to discuss by means of this adjournment motion are roughly three in number. First, Sir, my charge is that the Government have remained inactive and indifferent throughout the period preceding the strike and during the negotiations which because of their failure terminated in the strike. Secondly, the Government have identified themselves with the South Indian Railway Company and have helped the company in terrorizing. . ."

* The hon. the PRESIDENT :—"I don't think the hon. Member will be in order in referring to the second point."

Mr. S. SATYAMURTI :—"I am talking of the action taken by the Madras Government in connexion with the workers, especially their indifference to arbitrate."

The hon. the PRESIDENT :—"You will have to confine to that and you should not travel beyond that."

Mr. S. SATYAMURTI :—"I am pointing out that the Government action has been such that as a result of their indifference . . ."

* The hon. the PRESIDENT :—"You cannot refer to that."

Mr. S. SATYAMURTI :—"Am I not to give reasons why they should arbitrate ?"

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The hon. the PRESIDENT :—" You cannot go beyond that."

* Mr. S. SATYAMURTI :—" My point is that the Government have remained and are remaining indifferent to arbitrate between the workers and the employers, and have been identifying with the interests of the employers and have not felt themselves called upon to identify themselves with the grievances of . . ."

* The hon. the PRESIDENT :—" The hon. Member will not be in order in referring to the Government identifying themselves with the employers. That is a different matter."

* Mr. S. SATYAMURTI :—" Sir, according to the Government Order, dated 31st August 1928, there were from the very beginning four points for arbitration by the Government outstanding between the company and the workers. These four points were payment of lock-out wages, absorption of surplus men after voluntary resignation, increasing of the menials' wages and redressing of running men's grievances. Now, Sir, Government should have volunteered their good offices to bring about a settlement on these outstanding disputes between the workers and the Railway Company. Government say that the Agent was willing to accept the principle of arbitration in regard to the matter of menials' wages and the running staff's grievances but it happened only after the general strike had been called. But he declined to do anything with regard to the first two of the items. Then, Sir, the general strike came on to which I will not refer. But I want the House to notice that even after the strike had been declared with the resultant great loss to the company, the public and the merchants the Government showed their indifference and did not offer to arbitrate between the workers and the employers. I will not refer to the action of the Police and the Magistracy in this matter. But I want to say that at no time during these anxious days and nights the Government was sensible of its duties to the thousands of labourers who had gone on strike and to use their good offices with the company to see that these matters were referred to arbitration and an amicable settlement was arrived at. The Government thought that unless both parties agreed they could not arbitrate. I do not dispute the law, for it is not my intention that they should force arbitration. The company is after all a Government concern, nearly thirteen-fourteenths of its capital being Indian tax-payers' money. It was open to the Government to offer their good offices to the Agent of the Railway Company and tell him that the interests of the tax-payer were impaired as also those of thousands of labourers. My complaint is that the Government have not contemplated to use their moral influence and their prestige with the South Indian Railway Company to see that the company accepted arbitration in this matter.

" Then after the strike had broken out what happened was that the Agent who was originally willing to accept the arbitration on at least two of the points, said that he could not accept even those points ; and more than that, Mr. President, he has made any possibility of successful or harmonius negotiations between himself and the workers impossible by his arbitrary and unjust withdrawal of the recognition of the South Indian Railway Labourers Union which, I think, is wholly illegal."

*The hon. the PRESIDENT :—" I do not think the hon. Member can refer to the conduct of the Agent."

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* Mr. S. SATYAMURTI :—" Government should take notice of this fact that the company did not show itself ready for arbitration after the strike as it was before the strike. And I want the Government to see that the company does not take a vindictive attitude towards the strikers."

* The hon. the PRESIDENT : —" I am afraid the hon. Member is treading on the prohibited ground."

* Mr. S. SATYAMURTI :—" Sir, I feel I cannot move it" (Mr. S. Satyamurti then resumed his seat.)

* The hon. the PRESIDENT :—" As the hon. Member is not moving his adjournment motion, the House will resume its work. I shall proceed to deliver the remaining portion of my ruling."

* Mr G. HARISARVOTTAMA RAO :—" May I rise to a point of order, Sir."

* The hon. the PRESIDENT :—" The hon. Member can't do so when the President is on his legs."

The hon. the President then read the remaining portion of his ruling. While doing so, the hon. Dr. P. Subbarayan changed his seat and thereupon the hon. the President remarked: 'When the President is standing no Member is in order in leaving his seat.'

Dr. B. S. MALLAYYA :—" Not even a Minister." (Laughter.)

ELECTION OF A COMMITTEE OF THE COUNCIL FOR CONFERRING WITH THE INDIAN STATUTORY COMMISSION—*cont.*

The hon. the PRESIDENT :—" It is next contended that a motion under rule 24-A can be brought forward only by a non-official Member and not by a Member of the Government. I am unable to read this restriction in the wording of rule 24-A. The rule itself does not say anything of the kind. It however contains certain restrictions on the discussion of a matter of general public interest otherwise than on a resolution. One of those restrictions is that the Member of Government in charge of the department concerned should give his consent. In this case it cannot be stated that when the Member concerned is himself moving it, he has not consented to it. If this were so, he could get over the objection by either saying, 'I consent' or by asking another Member of the Government to move it. I consider that the consent is implied in the very fact of his moving the motion.

" It is next contended that inasmuch as the subject matter of this discussion is not included in the list of provincial subjects, he cannot be said to be a Member in charge of the department concerned. But the words used are 'in charge of the department concerned.' There is a department of the Secretariat dealing with the question of Reforms and that is in charge of the hon. the Leader of the House. The subject of 'Reforms' is included in the published list of distribution of portfolios among the Members of the Government. The provision in the rule only requires the consent of the Member of Government who can speak on behalf of the Local Government on the subject. And in this case, that is, the hon. the Leader of the House. In fact several questions in respect of the Statutory Commission have been addressed to him by hon. Members of the Opposition inclusive of the hon. Member for the University in this very House. Further the provision in sub-rule (3) of rule 24-A that

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the Governor may disallow a motion made under this rule if it is not primarily a concern of the Local Government shows that if he does not disallow, even a motion on a matter which is not primarily a concern of the Local Government can be discussed under this rule.

"It is also contended that inasmuch as rule 24-A says that it shall not be permissible for the President or the Member of Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and inasmuch as under Standing Order No. 65 a resolution cannot be moved now, this motion is not competent. But it will be noted that the restriction contained in sub-rule (2) refers only to the 'subjects' on which a discussion can take place and that the mere fact that a resolution has been previously moved does not remove a subject from the category of subjects on which a resolution can be moved. The restriction as to subjects in sub-rule (2) of rule 24-A has reference to the restriction of subjects for discussion contained in rule 23 (1) and this inference is clear from the provision in sub-rule (2) of rule 24-A itself which expressly provides that the decision of the Governor on the point whether any motion is or is not within the restriction imposed by sub-rule (1) of rule 23 shall be final. Please note the phrase 'restrictions imposed by sub-rule (1) of rule 23' which occurs in this rule. The wording of section 72-D (5) of the Act may be compared with the language of these rules. It provides that 'rules may provide . . . for prohibiting or regulating . . . the discussion of any subject specified in the rules.' I therefore hold that what rule 24-A prohibits is a motion on a prohibited subject and not a motion on a matter on which a resolution has been moved within one year.

"I have considered this question of order with the greatest care and anxiety. I feel that I must rule the motion to be in order."

* The hon. Sir NORMAN MARJORIBANKS :—"Mr. President, after the exhaustive discussion that took place I do not wish to keep the House long. I wish briefly to explain the reason why Government have brought forward this motion after the debate that took place in January. In that debate, 2.45 p.m.
many hon. Members of the House indicated that, if certain conditions were made, they would desire to take part in discussion with the Simon Commission. Subsequently, such conditions having been made in the two published documents which I have referred to in the motion—another hon. Member of the House proposes to add another letter inadvertently omitted by me—it seemed to the Government that it was their duty to give an opportunity to those Members who wished to take part in the deliberations of the Commission. I do not wish to go further into the merits of the matter. It is a matter entirely in the hands of the House and I leave it to them."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I beg to second the motion."

* The hon. the PRESIDENT :—"The question is 'that for the purpose of jointly conferring with the Indian Statutory Commission on the terms stated in the letter of the Chairman of the Commission to His Excellency the Viceroy, dated the 6th February 1928, and in the further announcement published by the Government of India on 23rd June 1928, this Council do proceed to elect seven representatives in accordance with the regulations made by the hon.

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the President under Standing Order No. 77 for the holding of elections by means of the single transferable vote.' "

*Mr. J. A. SALDANHA :—" Mr. President, Sir, I beg to move—

'*that the discussion of this motion be adjourned until after the opinion on the question from the electorate in this Presidency for the Legislative Council has been ascertained either by a referendum to the electorate on the point or by a dissolution of the Council.*'

" Sir, I think that this motion is eminently opportune and justifiable on this occasion. The point is one of the highest constitutional importance to the whole of India and in this case particularly to the people of this Presidency. This is a point on which the country is, no doubt, divided. So far as the electorate behind us is concerned, I am sure that it stands with us ; it stands with the views of this Council as pronounced in January last. But as doubts have been raised over this decision of the Council by hon. Members on the other side, it is fair, I am sure, that this matter should be referred to the electorate. This challenge I offer not with the consent of my party—I am sure they are with me—but in my individual capacity. If the hon. Members on the other side have got the courage of their convictions they must ask His Excellency to refer this matter to the country. So that, we may go to the country and ascertain whether the country stands by our decision in January of this year or not. I regret very much to see that the challenge I have offered to the other side has not been answered. (Laughter.) I offer that challenge again. If you insist upon this motion being carried, it is but fair that you should answer the challenge, go to the country and find out whether our party is right or wrong. Have you got the courage of your conviction ? . . ."

* The hon. the PRESIDENT :—" Order, order, the hon. Member will have to address the Chair."

* Mr. J. A. SALDANHA :—" You yourself represent the dignity and the prestige of the people as the President of this Council and I appeal to you, Sir, that this is eminently a question that should be referred to the electorate. It may be asked how can a referendum be made to the country without a dissolution. It is not provided for in our constitutional law, either in the Government of India Act or any other Act. But it is the inherent power of His Excellency the Governor as the representative of His Majesty the King-Emperor, to refer the matter if not to the whole country, at least to the electorate. They have got the power to speak on behalf of the people and to say whether we are right or not. I say we have the whole electorate behind us. It is for hon. Members on the other side who have brought forward this motion against the resolution of January last to say 'let us go to the country' and to advise His Excellency to refer this matter to the country or to dissolve the Council. We are quite prepared to go to the country if the Council is dissolved. We are sure that all of us will be re-elected and returned to the Council ; we shall have many more on our side. Hon. Members on the other side have gone back on the decision they came to in January this year. I regret very much that many hon. Members with whom I was sitting for about three years and who have been supporting popular measures, have changed their minds in two months, in two days and have been cowardly . . ."

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* The hon. the PRESIDENT :—" The hon. Member is requested to confine his remarks to the amendment."

Diwan Bahadur P. KESAVA PILLAI :—" Is my hon. Friend in order in calling some of the hon. Members cowardly ? Is it parliamentary ? (Voices :—It is parliamentary.) "

* Mr. J. A. SALDANHA :—" Hon. Members on the other side want to change their minds after supporting the resolution of the Council brought forward six months ago. They ought to be the first persons to say 'let us go to the country.' I am not sure that my hon. Friend, Mr. Siva Rao, will be supported and returned. It is not necessary for me to dilate upon the subject. This is common sense. I think it stands to our dignity, to the dignity of this House and to the prestige of our friends that they should go to the country and ascertain the wishes of the country whether we are right or they are right. I am sure the electorate will stand by the hon. Members on this side. We have stood by this resolution for a long time ; we have stood by our principles for several years. I might be misunderstood because I was sitting for some time on the other side. I only differed from my hon. Friends on this point . . ."

* The hon. the PRESIDENT :—" The hon. Member need not explain his position on this amendment."

* Mr. J. A. SALDANHA :—" I stand for the principle for which the Congress stands."

* The hon. the PRESIDENT :—" The hon. Member need not explain his own principles when moving his amendment."

* Mr. J. A. SALDANHA :—" Our principle is the principle we are responsible to the electorate ; the Government are responsible to their representatives. We stand for this principle. In standing for this principle we have carried out a self-denying ordinance, by many acts of sacrifice, personal and otherwise. I am sure the electorate will respect us. I stand for obstruction, parliamentary obstruction, in every possible way. I am sure the country will respect us and I therefore challenge the other side."

Mr. P. ANJANEYULU :—" Mr. President, Sir, I have great pleasure in seconding the amendment of my hon. Friend, Mr. Saldanha. I might say that this has a bearing on the question that has been so ably moved, seconded and discussed in all its forms which is going to be carried, viz., the inauguration of a committee of the Council to work and help the Simon commission. This is practically carrying out the proposals of Sir John Simon and his colleagues; for his letter, dated 6th February 1928, ends as follows :—' Carrying out of our proposals will require at a later date,'—as far as this Council is concerned immediately or to-day—' that the Council of State, the Legislative Assembly and the local Legislative Councils should be moved to elect their representatives to take part in the general deliberations and the Commission will be glad if the Government of India will take such steps as are provided for this purpose in due course.' The idea of bringing forward this motion is to get a decision which is contrary to the wishes of the large electorate of this Presidency. Those of us who are elected Members of this Council have an honest duty to our constituency to reflect their views on very important

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matters like this where the national honour is involved, where the country's self-respect is at stake, where the sentiments of the people is to be touched in its extremest form. We have to respect and reflect the opinion of our constituency whether those opinions are correct or incorrect, right or wrong, so long as they are sincere. How far we are doing it in the Council is a matter for personal investigation and for thought by every individual Member concerned. No one has a right to say that any one of the elected Members of this Council is not so doing. The people in this House and outside are in great expectancy and are watching the proceedings taking place in this House yesterday and to-day.

3 p.m. "They are very eager to know how the representatives in this Council would behave, to know what the message of this House is, how it is expressed and how the Members give their vote on this question which is of vital interest to the country. This Council, Sir, has earned the gratitude of each of the districts which elected representatives to it a few months before they gave their vote on the 25th of January 1928. Sir, this reminds me of a few lines in Hamlet:

'Frailty, thy name is woman!
A little month, or ere those shoes were old
With which she followed my poor father's body,
Like Niobe, all tears:—why she, even she—
O God! a beast, that wants discourse of reason,
Would have mourned longer—married with my uncle,
My father's brother, but no more like my father
Than I to Hercules: within a month:
Ere yet the salt of most unrighteous tears
Had left the flushing in her galled eyes,
She married.'

Are we the men who, with one united voice, said on the 25th of January 1928, i.e., practically the whole of the elected representatives in this House, that we should have nothing to do with the Simon Commission as at present constituted? Sir, if I offend any one of the Members here, I do very earnestly beg his pardon; but I shall express myself as clearly as I can. If we were really earnest then, we should be earnest to-day and continue to be earnest to-morrow. A charge may be levelled against some of us that we wanted to manipulate certain situations in order to get certain vantage grounds and certain privileges with a view to see that we were installed in certain places. If it were not so, what has happened, I ask, between the 25th January and to-day that we should, when the country's cause is at stake, when the country's honour is at stake, allow Indians to laugh at us, Indians, at our own insincerity in allowing the Simon Commission to cast a slur on the intelligence of this land and to belie the honest expectations of a whole race. Sir, whether what I say is true or not remains to be seen. The only way in which the British Parliament or the Indian Government or this Government or Council can know whether we are really representing the true sentiments of the people of this Presidency is to ask us to go back to them. I would join my friend Mr. Saldanha in his earnest appeal, though he said it with more humour which took away much of the tension in it, that we should appeal to the country. Therefore, Sir, through you I request the hon. the Leader of the House to represent to His Excellency in all constitutional manner possible that we may get dissolved on this sole issue alone, just as in some other issues which arose on which Ministries have come and gone and on which this Ministry

is there. This Ministry is getting on only on the Simon issue; otherwise some of my friends who were on this side would not be where they are now. At any rate that is the opinion of us all. If we are really sincere to the people in carrying out their behests as representatives in this Council, I appeal to the Leader of the House through you to put it to His Excellency to see whether those who support the proposal to elect seven Members of the House to a committee to confer with the Commission or whether those who are opposed to that proposal, are returned in larger numbers. Therefore, I have great pleasure in seconding the motion so ably moved by my friend Mr. Saldanha."

* The hon. the PRESIDENT :—" The question is ' that the discussion of this motion be adjourned until after the opinion on the question from the electorate in this Presidency for the Legislative Council has been ascertained either by a referendum to the electorate on the point or by a dissolution of the Council'."

* Mr. K. V. R. SWAMI :—" Mr President, Sir, both the speakers before me have stated what our position is. The hon. Friends that belong to the other parties think that they are in the right in supporting this motion, because something has happened since the last resolution was passed. They hold that the Simon Commission have promised certain advantages in procedure, and that they constitute a change in the constitution of the Commission itself. That is an argument which cannot be refuted by counter-argument alone. They think that they truly represent the wishes of the electorate, while we think that we have been consistently representing the views of the electorate. The final arbiters in this matter are the electorates themselves. They have got the power to say who are in the right and there is no good of further discussing this matter. If our friends of the other parties are sincere in saying that they are truly representing the electorate I say let us appeal to them and find out their wishes. Many a time since the last election it has been suggested by the other parties that the election was not run on true principles and that people were misguided in electing certain members of certain parties. All those doubts can be cleared now. Now that a new issue has arisen and it is a vital issue—i.e., the issue whether we should co-operate with the Simon Commission or not and whether in co-operating with that Commission we would be truly representing the electorate or not—let us go back to the electorate. Those friends of the other parties who voted with us in January last now think that the electorate itself has changed its opinion and wants to co-operate with the Simon Commission. If they are really and honestly of that opinion, they ought to accept this amendment which simply requests that we should go to the electorate in order to ascertain who are in the right and who in the wrong. If we are wrong, the electorate will not send us back, and only that party which more truly represents the electorate, will be returned in greater numbers. The supporting of a Ministry which does not possess any majority in the House, the putting there of one Ministry for the time being supported by one party or the other who change the Ministry itself because they want to gain their own ends—all these things can be cleared up by allowing either party to be returned with a commanding majority. This is the proper occasion of which our friends of the other parties should avail themselves. They think that co-operation with the Simon Commission is the wish of the country and that they truly represent the people of the country; and we honestly believe that the country does not want the Simon Commission at all. We all thought so in January last. The little thing that has happened

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since then is that Sir John Simon has said that the committees would be allowed to have access to certain documents which were excluded from their purview previously. In the previous resolution, however, we took objection to and protested against the constitution of the Commission, the reason being that no Indian was included in it and only seven Englishmen were sent out to us, whatever be their merits or demerits. Of course, every one of us in the House knows whether they are capable of sitting as judges over us. . . "

* The hon. the PRESIDENT :—" The hon. Member, I am afraid, is going into the merits."

* Mr. K. V. R. SWAMI :—" We then took objection only to the constitution, not to the form of procedure that was adopted That was then our view. Now, do the members of the other parties think that procedure means constitution and that any change in procedure is a sufficient reason for them to now support the Simon Commission? There is no use . . . "

* The hon. the PRESIDENT :—" I am afraid the hon. Member is going beyond the present motion under discussion."

* Mr. K. V. R. SWAMI :—" Therefore, the one thing I want to impress upon my hon. Friends is this; and this is a special request from our party. All that we request and beg of them is: let us go and state our case before our masters, i.e., the electorate. If they say that a particular party is right, let them return that party; or if they think that the other party is right, let that party be returned. This is the occasion when we should join hands and request the Government, under the constitution, to dissolve the House in order to ascertain the wishes of the people as to which party truly represents them. If they fail to support this motion, that means that they have no faith in themselves; they must be thinking then that they will not be returned in such large numbers if they go to the country. Then, Sir, they will put forward the question of expense; but that is a small matter. If the country is really taking any interest in the matter, I am sure it will not mind any cost; we have to see that the question of expense is the last thing that one should think of. So, I request, the hon. Members through you, Mr. President, if they are sincere in their belief . . . "

* The hon. the PRESIDENT :—" I am afraid the hon. Member is repeating the same sentiment."

* Mr. K. V. R. SWAMI :—" They may vote for this motion with a view to see which party is supported more by the country."

Sriman BISWANATH DAS Mahasayo :—" Mr. President, Sir, this very important question has attracted the attention of the country for the last so many months. It has seen the falling of Ministries and the formation of Cabinets and Ministries in various provinces. So, it cannot be set aside so lightly as some people think. It is therefore in the fitness of things that my hon. Friend Mr. Saldanha has very appropriately brought this adjournment motion of this important question. Sir, there have been two different and conflicting views on this important question. One set of people rightly or wrongly hold that the country is with them in co-operating with the Simon Commission. I do not at all attribute any motives to them; they may be right in their own way. We and also the Independents rightly hold that the

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country is with us and that the country is decidedly against the present Commission. In the resolution of this House in January last, this House most unmistakably declared against the Commission 'as at present constituted.' Conditions developed in a peculiar way and my hon. Friends (the present Ministers) of course with a view to show the anxiety of the Indians to co-operate with the Government and to work the Government of India Act of 1919, co-operated accepting office and worked the Government of India Act. I do not accuse them for that, because they have a right to hold their own views, transformation though it may look. They may be justified, out of their own personal convictions, in working out the Act; but the point raised in the adjournment motion is still there. Sir, the acceptance of the Ministry at a time when there was all the possibility of a dissolution has evaded a very important issue, i.e., the taking of the opinion of the electorate. If the Ministry had not formed, there would have been dissolution and a fresh election and expression of popular opinion."

* The hon. the PRESIDENT :—"The hon. Member is requested not to traverse that ground."

Sriman BISWANATH DAS Mahasayo :—"I take your ruling, Sir

"So, Sir, the question of dissolution of the Council is now practically over because the Ministry has got a working majority. Then, the next question which arises is that the opinion of the people should be ascertained by a referendum. It may be the opinion of the people, and in a restricted way you can also ascertain the opinion of the electorate, i.e., those people who have sent us here and who have a right to give us a mandate. Eminent people, leaders of the country, in their communiqués to the press have said that the Simon Commission would be a very good issue on which to resign and seek re-election and expression of popular view. For myself, I am prepared, and I may say on behalf of my hon. Friend Mr. Kameswara Rao also that we are prepared to resign if Sir A. P. Patro accepts the challenge." 3-15 p.m.

* The hon. the PRESIDENT :—"The hon. Member is dwelling on individual opinions. He is requested to confine himself to the amendment which recommends a referendum or a dissolution of the Council."

Sriman BISWANATH DAS Mahasayo :—"Sir, I am only focussing on the issue of referendum."

* The hon. the PRESIDENT :—"I am only requesting the hon. Member to confine himself to the terms of the amendment."

Sriman BISWANATH DAS Mahasayo :—"Sir, we are prepared to risk a re-election and ascertain the opinion of the people. That is the better course. So I would implore all parties and all Members of this hon. House to agree to this adjournment motion and seek the opinion of the electorate whose voice is after all final and whose voice is the guiding star to all of us. In these circumstances, I wholeheartedly agree with this motion and appeal to the hon. Members of this House to accept it if at all they sincerely desire to follow the instructions and mandates of the electorate or the people in general in this Presidency."

* Mr. K. MADHAVAN NAYAR :—"Sir, if any occasion can arise in the life-time of a legislature for taking the extraordinary step of making a reference

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to the country to ascertain its opinion on any particular matter, that occasion has come now. You know, Sir, it is only eight months ago that this Council by an overwhelming majority of sixty-one against twenty-nine passed a resolution declining to co-operate with the Simon Commission. Whatever may be the intellectual subtlety with which you distinguish between a motion and a resolution, the fact remains that the country knows that the subject before the Council to-day is the same subject that was discussed eight months ago, that is, co-operation or non-co-operation with the Simon Commission. That time, Sir, representative members of this Council belonging not only to the Congress Party but to the Independent Party, to the Justice Party and the various other parties of this Council, denounced the constitution of the Simon Commission, and declared in the most unmistakable language their deliberate intention to non-co-operate with the Commission. I shall quote to you certain opinions and certain sentiments that were expressed during that time by certain members of this Council. I shall first of all give the opinion expressed by my hon. Friend Mr. P. Siva Rao, which is reported at page 319 of the Council Proceedings, dated 25th January 1928; he said, 'I for one, Sir, would be satisfied if only the Committee appointed by the Central Legislature is given equal and extensive powers with those of the Commission itself.' These are the words that were uttered by Mr. Siva Rao on that occasion. You will see from the papers placed on the table of the Council that the only concession that is given by Sir John Simon now is that 'the Commission has decided to draw no distinction between its own members and members of these Committees in the respects referred to in the resolution, so that, in the matter of examination of witnesses and access to documents, the Commission will treat each Indian Committee, within whose scope the material in question falls, on equal terms with itself.' I ask you, Sir, whether the equal and extensive powers contemplated by my hon. Friend Mr. Siva Rao . . . "

* The hon. the PRESIDENT :—" I am afraid the hon. Member is dwelling on the merits of the question."

Mr. K. MADHAVAN NAYAR :—" I am not referring to the merits at all, Sir. I am only emphasizing the fact that some of the members have changed their opinions in regard to a particular matter, and in such a case they ought to ascertain the opinion of the country, before they allow such changes of opinion to affect the decision of this Council. I submit, Sir, this is the fittest occasion to make a reference to the country and get the verdict of the constituencies on these changes of opinion. It is only to illustrate these changes of opinion and to bring home the necessity for a referendum that I am quoting from the speeches of certain hon. Members made on the 25th January 1928.

" My hon. Friend Mr. Arpudaswami Udayar said—I do not know what he is going to do in the matter of this motion to-day (Laughter)—he said, as reported on page 298 of the Council Proceedings :

'I think it is the only course open to them—to recognize the Legislative Committees as equal partners, to treat them as equals, to allow them to sit with them, giving them opportunities like themselves of collecting, marshalling, reviewing, selecting facts, deciding on the evidence, testing it by cross-examination or other methods and of shaping effectively the decisions arrived at by the Statutory Commission at all important stages and also of effectively shaping the draft report to be placed before the Parliament.'

" That is what he wanted, Sir, on the 25th January 1928.

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"Then, my hon. Friend Mr. Krishnan Nayar, whose translation to the Treasury bench has brought about all the complications in the country ('Hear, hear'), said in his amendment 'that unless an authoritative declaration was made, giving the Committees of the Legislatures an effective voice in the shaping of the decisions of the Commission at all important stages, this Council cannot co-operate with the work of the Commission.' That was the amendment that he brought forward before the Council on the 25th January 1928.

"Then, my hon. Friend Mr. Kesava Pillai said, 'if some Indians had found a place on this Commission, it would have satisfied us.'

"Mr. A. B. Shetty said, 'Give to the Committees of our Legislatures equal powers, rights and opportunities with the Members of the Commission.'

"These are some of the sentiments that were given expression to by the hon. Members on that date. You have seen, Sir, that though eight months have elapsed, no remarkable things have happened either in the constitution of the Simon Commission or in the conditions of the country except that the All Parties Conference have declared in no uncertain terms their determination to have their own scheme of responsible government irrespective and independent of any recommendations by the Statutory Commission. What else is it that has happened in the country to warrant any change of opinion? Absolutely nothing. So, my humble submission, Sir, is, let the members of this Council ascertain the opinion of the country in this matter, let them not change their opinions as often as they please and make themselves open to the attack that they are persons in whom no reliance can be placed by those who have elected them. Therefore, to safeguard their own interests, to safeguard the honour of this Council, and to safeguard the interests of the constituencies, I think it essential that this motion is passed by this Council, and I earnestly appeal to all the members to support Mr. Saldanha's motion."

Mr. Daniel Thomas:—"Sir, I beg to oppose the amendment moved so energetically and forcibly by my hon. Friend Mr. Saldanha. It appears to me that the very basis, the very foundation of the amendment which my friend seeks to press upon the House, lacks in consistency. The amendment is based on a future referendum and a present dissolution of the Council. It appears to me that these two things are not within the powers of this House. Unless it is possible for us to dissolve the Council, unless it is possible for us to have a fresh election, it would be useless to contend that the discussion of the present motion should be adjourned Both those things lie outside the scope and capacity of our powers.

"Then, again, my hon. Friend assumes that the members of this House who represent the various constituencies do not in the matter of the Simon Commission represent the wishes of their constituencies. When my honourable friend finds that certain members vote agreeably to his own wishes, he says that those members represent the wishes of their respective constituencies, and when it happens that the vote of any other particular member is not in the direction in which he wishes that the particular vote should be cast, then comes his objection that the member does not represent the constituency which he represents in this Council. It appears to me that the members of this Council who represented the particular constituencies in January last and who faithfully interpreted the views, the wishes, the ideas and opinions of their constituents then, are as capable of representing them

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now on this motion. Therefore, I think there is nothing brought forward now to justify their saying that the members who are going to vote on this motion will not and do not represent the wishes of the constituencies in this matter.

"I will also bring to the attention of the House one matter. I remember a certain instance in which Edmund Burke gave a good piece of advice to certain of his voters in Belfast, when they said he did not comply with their request; he then said that the duty of the representative was not merely to follow the wishes of his electors (A voice: 'Good, good') but it was part of his duty to enlighten them as to how they ought to behave in a particular matter. Therefore, Sir, there is a duty cast upon the representatives of every constituency in this Presidency to so conduct themselves as to give a lead and guidance to their constituents in the matter of the Simon Commission, and I fully trust and believe that every member of this House who represents any particular constituency will not only try to carry out the wishes and ideas of his constituency but will also give a lead and guidance in this matter.

"I would also submit one other point in this connexion, and that is this: co-operation with the Simon Commission is a matter of present necessity. To adjourn the discussion of this matter to a future date would be taking away the very purpose for which the committee is sought to be constituted on the present occasion. On these considerations, I oppose the amendment proposed by my hon. Friend Mr. Saldanha."

*Mr. S. Arpudaswami Udayar :—" Mr. President, Sir, the seconder of this adjournment motion said that the honest course for this Council would be to support the motion, and the hon. Member Mr. K. V. R. Swami said that if the members had faith in themselves they would certainly vote for it. My hon. Friend from Malabar quoted certain sentences from my speech made on the last occasion and made a personal reference to the change that had come over me. Sir, the question of co-operation with the Simon Commission has been before the country for the past eight months, and the electors and those who have sent us as their representatives to this Council have not been keeping quiet since that time. As for my own share in the discussion when the question of co-operation with the Commission was discussed, I moved an amendment in this Council with a view to bring about a kind of reproachment. I made it clear in my speech that I wanted that the door should be kept open for a reconciliation, and prophesied that a great change in *modus operandi* would certainly come about, that a complete equality of status would be given to provincial committees, in other words, that the committees would be allowed to co-operate on an equal footing and even to submit an independent report of their own which would be affixed as an appendix to the main report of the Commission. Apart from that, two or three weeks after that, I had a clear, specific mandate from my constituency, and an important meeting was held at Tanjore when I was entrusted with the duty of inviting the Commission and leading a deputation to Tanjore. After that, meetings were held at Dindigul, Madura and Trichinopoly, and I have had a definite mandate from my constituency as to the course of action I should adopt with regard to this very important matter. So far as this point is concerned, Sir, I think the electors in my constituency have not been idle, and for what I know of what has taken place at least in those districts which I represent, the electors have expressed a clear desire that their representative should certainly co-operate with the Simon Commission.

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"Secondly, Sir, the hon. Ministers after that event have been touring in very many districts of the Presidency; in fact I am surprised to find that they have been very active in the matter of getting into touch with the electorates. These latter had ample opportunities of expressing their wishes to them and of taking them to task for what they had done. But on the contrary, we find that they have been well received wherever they went, and the people approved of the action taken by them. Therefore we have to take it for granted that the constituencies represented in this Council approved of the action of their representatives. 3-30 p.m.

"Two or three weeks before the commencement of this session, the hon. Member for the University appealed to all the constituencies to give a specific mandate to their representatives as regards their attitude to this question. I think he also mentioned the names of certain members who voted in a particular way and appealed to their constituencies to give them a mandate. If my friend from South Kanara can say categorically and dogmatically that he has his constituency behind him in his actions, I can also say dogmatically, positively and categorically that I have my constituency behind me. I believe that many members also will have the courage to say the same thing. If, however, there are certain members, say a dozen or twenty or eighty, who still doubt whether they correctly represent the constituencies which elected them, it is open to them to resign and go to the country and ascertain the wishes of their constituencies." (Hear, hear.)

Mr. J. A. Davis :—"I move, Sir, that the question be now put."

The closure motion was put to the House and declared lost. A poll was demanded and the House divided thus :

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. K. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Diwan Bahadur P. Kesava Pillai.
9 Rao Bahadur C. V. Ananatakrishna Ayyar.
10. Mr C. B. Cotterell.
11. ,, H. A. Watson
12. ,, C. A Souter.
13. ,, S. H. Slater.
14. ,, A. McG. C. Tampoe.
15. ,, C. W. E. Cotton.
16. ,, V. Ch. John.
17. ,, M. A. Manickavelu Nayakar.
18. Syed Tajudin Sahib Bahadur.
19. Mr. H. B. Ari Gowder.
20. ,, A. B. Shetty.
21. ,, J. Bheemayya.
22. ,, J. A. Davis.
23. ,, R. Foulkes.
24. ,, P. J. Gnanavaram Pillai.
25. Mahmud Schamnad Sahib Bahadur.
26. Mr Muppil Nayar of Kavalappara.
27. Subadar-Major S A. Nanjappa Bahadur.
28. Mr. Al. Ar. Narayanan Chettiyar.
29. Rao Bahadur O. M Narayanan Nambudripad.
30. Mr. T. M. Narayanaswami Pillai.
31. ,, K. Krishnan.
32. ,, N. Siva Raj.
33. ,, M. V. Gangadhara Siva.
34. Rao Sahib L. C. Guruswami.
35. Mr V. I. Muniswami Pillai.
36. ,, W. P. A. Soundarapandia Nadar.
37. ,, S. Subrahmanya Moopanar.
38. ,, Daniel Thomas.
39. Mr. S. Venkiah.
40. Syed Ibrahim Sahib Bahadur.
41. Rai Sahib M. Hampayya.
42. Mr. Kenneth Kay.
43. ,, W. O. Wright.
44. ,, C. R. T. Congreve.
45. ,, F. B. Wathen.
46. ,, A. T. Luker.
47. Rajkumar S. N. Dorai Raja.
48. Mr. S. Arpudaswami Udayar.
49. The Zamindar of Kallikota.
50. Mr. K. Ramachandra Padayachi.
51. ,, U. Ramaswami Ayyar.
52. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
53. Mr. G. R. Premayya.
54. ,, Swami A. S. Sahajananda.
55. ,, V. Ramjee Rao.
56. The Zamindar of Seithur.

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Ayes—cont

57. The Zamindar of Gollapalli.
58. Mr. K. P. Raman Menon.
59. ,, C. Gopala Menon.
60. The Raja of Panagal.
61. Sir A. P. Patro.
62. Diwan Bahadur P. C. Ethirajulu Nayudu.
63. Mr. P. T. Rajan.
64. ,, T. K. Chidambaranatha Mudaliyar.
65. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
66. Muhammad Khadir Mohidin Sahib Bahadur.
67. Diwan Bahadur S. Kumaraswami Reddiyar.
68. T. M. Moidu Sahib Bahadur
69. Rao Bahadur K Sitarama Reddiyar.
70. ,, B. Muniswami Nayudu.
71. Diwan Bahadur A. M. M. Murugappa Chettiyar.
72. Mr. K. Sarabha Reddi.
73. The Zamindar of Mirzapuram.
74. Mr. A. V. Bhanoji Rao.

Noes.

1. Mr S. Satyamurti.
2. ,, C. V. Venkataramana Ayyangar.
3. ,, T. Adinarayana Chettiyar.
4. ,, J. A. Saldanha.
5. ,, Abdul Hamid Khan.
6. ,, G. Harisarvottama Rao.
7. ,, K. V. R. Swami.
8. ,, D. Narayana Raju.
9. Dr. B. S. Mallayya.
10. Mr. K. Uppi Sahib.
11. ,, K. R. Karant.
12. ,, M. Narayana Rao.
13. ,, C. Obi Reddi.
14. ,, A. Parasurama Rao.
15. ,, C. Ramasomayajulu.
16. ,, Basheer Ahmed Sayeed.
17. ,, P. Bhaktavatsalu Nayudu.
18. Sriman Biswanath Das Mahasayo.
19. Mr. A. Kaleswara Rao.
20. ,, R. Srinivasa Ayyangar.
21. M . K. Koti Reddi.
22. ,, V. Kameswara Rao Nayudu.
23. ,, L. K. Tulasiram.
24. ,, C. Marudavanam Pillai.
25. ,, K. Madhavan Nayar.
26. ,, C. Venkatarangam Nayudu.
27. ,, B. Venkataratnam.
28. ,, K. S. Sivasubrahmanya Ayyar.
29. ,, A. Ranganatha Mudaliyar.
30. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
31. Mr. R. Nagan Gowda.
32. ,, C. R. Parthasarathi Ayyangar.
33. ,, Chavadi K. Subrahmanya Pillai.
34. ,, B. Ramachandra Reddi.
35. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
36. The Kumara Raja of Venkatagiri
37. Mr. P. C. Venkatapati Razu.

Neutral.

1. Mr. P. Siva Rao.
2. Mr. J. Kuppuswami.

Ayes 74. Noes 37. Neutral 2.

The motion was carried.

Before the result of the poll was announced hon. Members Messrs. Anjaneyulu and Ramanath Goenka entered the House and they were requested to wait till the result was announced.

* The hon. the PRESIDENT :—" I now put the amendment to the vote of the House. The question is that the discussion of this motion be adjourned until after the opinion on the question from the electorate in this Presidency for the Legislative Council has been ascertained either by a referendum to the electorate on the point or by a dissolution of the Council."

The question was put to the House and declared lost. A poll was demanded and the House divided thus :

Ayes.

1. Mr. S. Satyamurti.
2. ,, C. V. Venkataramana Ayyangar.
3. ,, T. Adinarayana Chettiyar.
4. ,, P. Anjaneyulu.
5. ,, P. C. Venkatapati Raju.
6. ,, J. A. Saldanha.
7. ,, Abdul Hamid Khan.
8. Mr. C. S. Govindaraja Mudaliyar.
9. ,, G. Harisarvottama Rao.
10. ,, C. N. Muthuranga Mudaliyar
11. ,, K. V. R. Swami.
12. ,, D. Narayana Raju.
13. Dr. B. S. Mallayya.
14. Mr. K. Uppi Sahib.

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Ayes—cont.

15. Mr. K. R. Karant.
16. ,, M. Narayana Rao.
17. ,, C. Obi Reddi.
18. ,, A. Parasurama Rao.
19. ,, C. Ramasomayajulu.
20. ,, Basheer Ahmed Sayeed.
21. ,, P. Bhaktavatsalu Nayudu.
22. Sriman Biswanath Das Mahasayo.
23. Mr. A. Kaleswara Rao.
24. ,, R. Srinivasa Ayyangar.
25. ,, K. Koti Reddi.
26. ,, V. Kameswara Rao Nayudu.
27. ,, L. K. Tulasiram.
28. Mr. C. Marudavanam Pillai.
29. ,, K. Madhavan Nayar.
30. ,, C. Venkatarangam Nayudu.
31. ,, B. Venkataratnam.
32. ,, K. S. Sivasubrahmanya Ayyar.
33. ,, A. Ranganatha Mudaliyar.
34. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
35. Mr. Ramanatha Goenka.
36. ,, R. Nagan Gowda.
37. ,, C. R. Parthasarathi Ayyangar.
38. ,, Chavadi K. Subrahmanya Pillai.
39. ,, K. P. Raman Menon.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Diwan Bahadur P. Kesava Pillai.
9. Rao Bahadur C. V. Anantakrishna Ayyar.
10. Mr. C. B. Cotterell.
11. ,, H. A. Watson.
12. ,, C. A. Souter.
13. ,, S. H. Slater.
14. ,, A. McG. C. Tampoe.
15. ,, C. W. E. Cotton.
16. ,, V. Ch. John.
17. ,, M. A. Manickavelu Nayakar.
18. ,, Syed Tajudin Sahib.
19. ,, A. B. Shetty.
20. ,, J. Bheemayya.
21. ,, J. A. Davis.
22. ,, R. Foulkes.
23. ,, P. J. Gnanavaram Pillai.
24. ,, Mahmud Schamnad.
25. ,, Muppil Nayar of Kavalappara.
26. ,, J. Kuppuswami.
27. Subadar-Major S. A. Nanjappa Bahadur.
28. Mr. Al. Ar. Narayanan Chettiyar.
29. Rao Bahadur O. M. Narayanan Nambudripad.
30. Mr. T. M. Narayanaswami Pillai.
31. ,, K. Krishnan.
32. ,, N. Siva Raj.
33. ,, M. V. Gangadhara Siva.
34. Rao Sahib L. C. Guruswami.
35. Mr. V. I. Muniswami Pillai.
36. ,, W. P. A. Soundarapandia Nadar.
37. ,, S. Subrahmanya Moopanar.
38. ,, Daniel Thomas.
39. Dr. Syed Ibrahim Sahib.
40. Rao Sahib M. Hampayya.
41. Mr Kenneth Kay.
42. ,, W. O. Wright.
43. ,, C. R. T. Congreve.
44. ,, F. B. Wathen.
45. ,, A. T Luker.
46. Rajkumar S N. Dorai Raja.
47. Mr. S. Arpudaswami Udayar.
48. The Zamindar of Kallikota.
49. Mr. Ramachandra Padayachi.
50. ,, U. Ramaswami Ayyar.
51. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
52. Mr. G. R. Premayya.
53. ,, Swami A. S. Sahajananda.
54. ,, V. Ramjee Rao.
55. The Zamindar of Seithur.
56. The Zamindar of Gollapalli
57. Mr. P. Siva Rao.
58. ,, C. Gopala Menon.
59. ,, B. Ramachandra Reddi.
60. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
61. The Raja of Panagal.
62. Sir A. P. Patro.
63. Diwan Bahadur P. C. Ethirajalu Nayudu.
64. Mr. P. T. Rajan.
65. Mr. T. K. Chidambaranatha Mudaliyar.
66. Khan Bahadur S. K. Abdul Razack Sahib.
67. Muhammad Khadir Mohidin Sahib Bahadur.
68. Diwan Bahadur S. Kumaraswami Reddiyar.
69. Muhammad T. M. Moidu Sahib Bahadur.
70. Rao Bahadur . Sitarama Reddiyar.
71. ,, B. Muniswami Nayudu.
72. Diwan Bahadur A. M. M. Murugappa Chettiyar.
73. Mr K. Sarabha Reddi.
74. The Zamindar of Mirzapuram.
75. The Kumara Raja of Venkatagiri.
76. Mr. A. V. Bhanoji Rao.

Ayes 39. Noes 76.

The motion was lost.

* The hon. the PRESIDENT :—" Hitherto the practice has been that when a closure motion is carried the original proposition is also put to the House. I wish to know whether the same practice is to be followed now." 3-45 p.m.

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Mr. C. V. Venkataramana Ayyangar :—"It is only an adjournment motion. No speech has been made on the main proposition."

Mr. J. A. Saldanha :—"I would like to propose that we go to the next item in the order of business."

* The hon. the President :—"The hon. Member ought to have made the alternative motion before."

Mr. P. Siva Rao :—"Sir, in spite of the great warning given to me by Mr. Saldanha, and even at the grave and serious risks I have been running by the attitude I have been taking up, I beg leave to move the amendments which stand in my name.

"*In line* 2 for *the word* '*letter*' substitute *the word* '*letters*.'

"*In line* 3 *after the words* '*the* 6*th February* 1928' insert *the words* "*and the* 28*th March* 1928.'

"Add *the following as proviso to the motion* :—

(*a*) *Provided that the representatives so selected should be allowed absolutely the same status and powers as regards the examination of witnesses and access to confidential papers and documents* ;

(*b*) *and that they should submit their report to the Legislative Council for an expression of its opinion before the same is submitted to the Commission with a copy of the proceedings of the Council in connexion therewith*."

"Now, Sir, proviso (*a*) proposes to vest equal status and powers as regards examination of witnesses and access to confidential papers and documents. As regards (*b*), it is a very reasonable proposal, that the representatives whoever they are of this Hon'ble Council should in the ordinary course submit their report, not direct to the Commission, but to its own Parliament from whom they derived their power. In respect of this amendment there could not be any controversy, because the Bengal Legislative Council very recently adopted an amendment in this form which was accepted by the Bengal Government.

"As regards the first amendment, which is verbal, the letter dated 28th March 1928 issued just before the Commission left our shores for England has by some oversight been omitted to be included in the original motion. These are the only amendments I wish to move. The other two amendments which stand in my name [clauses (*c*) and (*d*)[a]] are unnecessary if these are carried. When the report is submitted to the Council, we will have ample opportunity to express our opinion thereon, whether it is going to be dominion status as recommended by the All Parties Conference or the abolition of diarchy and the inauguration of responsible government in the provinces. It is premature to discuss those questions now. We shall rather wait till such time as the report is sent up to the Legislative Council. So I do not propose to move clauses (*c*) and (*d*) which stand in my name on the agenda."

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[a] *Note*.—Clauses (*c*) and (*d*) run as follows :—

(*c*) and they should be afforded an opportunity of considering the final report of the Commission with the Joint Parliamentary Committee in London ;

(*d*) and that the Committee be instructed to press upon the attention of the Commission the immediate abolition of the present system of government known as diarchy ; and the inauguration of full responsible government in the provinces.

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* Mr. C. GOPALA MENON :—" These two amendments can be accepted by the Government if this House is going to elect a committee. The first amendment gives equal power and status to that committee in the matter of examining of witnesses either in public or in camera and that is an important point in the procedure of the committee's work. The second amendment, that they should submit their report to the Legislative Council for an expression of its opinion, is absolutely necessary. What Sir John Simon himself asks the committee is to give a faithful opinion of the aspirations of the province and to place concrete proposals for constitutional reforms as far as this Presidency is concerned. I have therefore great pleasure in seconding these two amendments and hope that Government will find no difficulty in accepting them."

* The hon. Sir NORMAN MARJORIBANKS :—" Mr. President, Sir, these amendments are in accordance with the main motion. The letter of the 28th March 1928 was omitted by inadvertence in drafting. As regards the amendments (*a*) and (*b*), Government have no objection to accept them. They emphasize what is expressed in the letters of Sir John Simon."

* Mr. J. A. SALDANHA :—" Mr. President, Sir, I beg to oppose these amendments for the following reasons in brief. First of all they are not authorized by any statute or statutory provision of law ; secondly they are most humiliating to the country ; thirdly they are not consistent with our resolution of last January and we have not got the support of the electorate for any change. I always questioned the authority of the Simon Commission to give us any sort of mandate. When such is the case, how can we comply with their request."

* The hon. the PRESIDENT :—" I don't think any useful purpose will be served by going over the same ground, saying that there is no statutory authority for the constitution of the committee."

* Mr. J. A. SALDANHA :—" It is a most humiliating position we are placed in. What are we to do according to my Friend Mr. Siva Rao ? We are to give expression of our opinions on the report to be submitted by the committee, which again is to be submitted to the Commission and the Commission may probably affix it as an appendix to their final report. My Friend Mr. Arpudaswami Udayar mentioned that he had mandates from a number of meetings. I am sorry to say that those meetings were engineered either by himself or by foreign priests. (Mr. Arpudaswami Udayar : ' They are not.') In any case the priests were at the bottom of it. They have got no sympathy with our aspirations So, we are treated by our brethren as alien. That is the position. I challenge him to contradict me. Mr. Arpudaswami Udayar is a professor in an aged institution."

* The hon. the PRESIDENT :—" I am not able to see the relevancy of the hon. Member's remarks."

Mr. J. A. SALDANHA :—After all, the position of a professor in an aided institution is very precarious."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur :—" Is my friend in order in saying that the position of my Friend Mr. Arpudaswami Udayar is very precarious ? "

* The hon. the PRESIDENT :—" He is perfectly in order."

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4 p.m. * Mr. J. A. Saldanha :—" I have the greatest regard and admiration for my Friend Mr. Arpudaswami Udayar. (Laughter.) We are thick personal friends, but in political matters, I am sorry, I differ from him. I know his fears as to how dangerous his position will be if he does not support the Simon Commission and how dangerous the position of the foreign missions will be if they do not support the Simon Commission."

* The hon. the President :—" I hope the hon. Member will confine his remarks to the issue before the House."

Mr. J. A. Saldanha :—" I want to know whether my hon. Friend, Mr. Siva Rao, will press his motion if the Government do not accept clauses (*c*) and (*d*) of the amendment."

The hon. the President :—" Clauses (*c*) and (*d*) have not been moved."

Mr. J. A. Saldanha :—" Then so much the worse for him."

* Mr. G. Harisarvottama Rao :—" Mr. President, I rise to oppose the motion made by my hon Friend from Bellary. It appears almost that this is an attempt merely to make it appear that there is something different in the motion from what this Council felt when it voted last time on the Simon Commission business. It is almost, as the hon. the Revenue Member pointed out, on the lines of the communiqué of Sir John Simon. It does not add or subtract from the value of the motion made by the hon. the Revenue Member. There is a feeling in the country, a very prominent feeling, that this Council should not change its mind and go back upon the resolution that it passed in January last. The hon. Member from Bellary attempts to show something new. He attempts to make it appear that there is something new to the electorate,—he is thinking of the electorate as much as others I suppose —that he is proceeding upon something new and therefore wants to put in these amendments to the motion made by the hon. the Revenue Member. There is absolutely no point in moving this amendment if the matters mentioned in them are identical with the statement made by Sir John Simon. My objection to these amendments is this : that they are absolutely unnecessary. Either the motion moved by the hon. the Revenue Member may be accepted or it may be rejected on its merits. These amendments neither add merit nor demerit to the motion. They have absolutely no value for the purpose of discussion of the motion. They merely mislead the country. They want merely to tell the country that Mr. Siva Rao is thinking in a particular direction. Let us not hoodwink the country. Let us tell the country plainly what we are out for. The electorates know exactly every one of us in our true colours. Let us serve our masters aright in the true spirit. Let us not go about the business in a manner so as to circumvent the opinions held by our electorates. There is nothing new in these two amendments which my hon. Friend from Bellary has moved. Again, there is no purpose served by adding to the length of a motion. It is mere waste of words and mere waste of paper and printing ink to the Government. I do not want that any member of this House should add to the waste that is already being indulged in by a system of Government which is content with a paper constitution and which runs as a soulless machine. These amendments are as soulless as the Government. The Government feels that it can circumvent every desire of the people in this country. It can circumvent every resolution of this House by its own powers inherent in the Act and the rules made thereunder and it is successfully

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circumventing to-day by this motion. The Member in charge has circumvented the desire of this House for an appeal to the electorate by getting a party man of his own to move a motion for closure."

* The hon. the PRESIDENT :—" The hon. Member will not be in order if he refers to that."

Mr. G. HARISARVOTTAMA RAO :—" Beg your pardon, Sir. I merely wanted to point out that these amendments are absolutely worthless. They are not worth the ink with which they are printed and therefore these amendments should not be . . . ."

Rajkumar S. N. DORAI RAJA :—" Sir, is it parliamentary to characterise the amendments of an hon. Member as worthless ? "

* The hon. the PRESIDENT :—" Oh, yes. In his estimation they are worthless."

* Mr. G. HARISARVOTTAMA RAO :—" They are absolutely worthless (Laughter) seeing that they are the same thing as what Sir John Simon has said. So I feel that no Member of his House will be right if he votes for or accepts these amendments. It may be that the hon. Member who has moved these amendments has in mind the possible contingency of his own chief failing him. I believe the man who has been running with the hon. the Revenue Member so long need not distrust his intentions and add riders to the particular motion which he has moved. I wish that we clearly understand that the country is definitely either for or against this business. To my mind the country is against this business. Therefore any appearance that this Council may give in discussing either the amendments or the main resolution, any appearance that this House may give that it is supporting the hon. the Revenue Member either by amendment or otherwise would be false. So I request the House through you, Sir, not to give its assent to these amendments."

Mr. P. ANJANEYULU :—" Sir, I have tried carefully to go through the two letters referred to in the original proposition of the hon. the Leader of the House and in the amendments proposed by my hon. Friend from Bellary. I fail to see how they improve the position. Sir John Simon says that it would not be possible for him to allow the committee that may be hereafter elected by this Council to be present at certain times when evidence in camera might have to be taken. He says that the Indian Members also might avail themselves of opportunities when they might invite certain witnesses and have in camera evidence. This is what he says :

'If a case arises when this general plan cannot be followed, I should make no secret of it and should ask my colleagues in the Joint Free Conference, when, as I hope, they learn to have faith in my sense of fairness, to accept from me such account of the matter as I can give them on behalf of the Commission, with due regard to the reason why the testimony has been separately received.'

" He would not allow us to be present at the time when the testimony is received. He would ask us to be content with a faithful paraphrase of all that took place. He further on says: 'I imagine that the Indian side may find occasions when they would think it well to act in the same way.' What is the Indian side ? There are only two sides to a question, the right side and the wrong side. The right side is Simon and the wrong side is Indian ? All the plums are for one side and all the blows are for the other side ?

[Mr. P. Anjaneyulu] [4th September 1928

"My hon. Friend says: 'Add the following as a proviso:

"Provided that the representatives so selected should be allowed absolutely the same status and powers as regards the examination of witnesses and access to confidential papers and documents.'"

"True, we may have any proviso. Lawyers tell us that even when the conditions fail, the alienations stand. We are alienating our birth-right by means of these provisos. The provisos are there. Alienations will be accepted. Our friend will be waiting outside when evidence is taken in camera and he will have his faith cure. There is an old story of a faith cure and I will relate it here. It would appear that a young lady wanted to remove a big mountain that was standing between her and a window. She prayed that the mountain should be removed believing in the Bible which has it that faith would move mountains. When her prayers had no effect, she went to her grandma and said: 'Why, this is all wrong. I prayed for the removal of the mountain and yet it is there as solid as ever.' The grandma in reply said that she should have more faith. So also, my friend says that we should have faith in the Simon Commission and every doubt would be removed. It would be, I believe, the same case as with the mountain in the story.

"In clause (*b*) of the amendment the hon. Member wants 'that they should submit their report to the Legislative Council for an expression of its opinion before the same is submitted to the Commission with a copy of the proceedings of the Council in connexion therewith.'

"Whether they will allow a copy to be given to my hon. Friend and to the Council I doubt. The status of the committee to be elected will be that its report will be added as an appendix to the main report as one of the many documents that may be presented to them. There is no status, no equal rights and other things. This document and all this labour, will be as it was playing second fiddle to them. They have no hope for them. They receive no blessings from anywhere except the Simon Commission. They will not even be told the result of their labours. Some individual members will at best have the opportunity of sitting along with the Simon Commission and probably their lives' ambition will be gratified. I am sorry to note that the hon. Mover, a respected friend of mine, thinks that some useful purpose will be served by his amendments and by somehow or other some of us getting into the committee. I appeal to him not to sell away his birth-right. I appeal to him to see what the previous Commissions have done, how far they have helped us and what purpose this Commission is going to serve. If the principle of self-determination for which the Great War was fought in the continent of Europe is good for Europeans and for Westerners generally, why should it not be good also for the Easterners? Why should we not have our birth-right? Why should we get into the Chinese feet and get our growth stunted? With these few words I appeal to the hon. Mover to withdraw his amendments. I oppose them."

Mr. V. Ch. John:—"I now move that the question be put."

4-15 p.m. Mr. C. V. Venkataramana Ayyangar:—"Is it a motion for the amendments alone?"

* The hon. the President:—"Yes."

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*The hon. the PRESIDENT :—" The question is that the question be now put."

The motion was put and declared lost.

The hon. Diwan Bahadur M. Krishnan Nayar demanded a poll and the House divided thus :—

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Rao Bahadur C. V. Anantakrishna Ayyar.
9. Mr. C. B. Cotterell.
10. ,, H. A. Watson.
11. ,, C. A. Souter.
12. ,, S. H. Slater.
13. ,, A. Mc.G. C. Tampoe.
14. ,, C. W. E. Cotton.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, S. Tajuddin Sahib.
18. ,, A. Balakrishna Shetty.
19. ,, J. Bheemayya.
20. ,, J. A. Davis.
21. ,, R Foulkes.
22. ,, P. J. Gnanavaram Pillai.
23. ,, Mahmud Schamnad Sahib.
24. ,, K. Muppil Nayar.
25. ,, J. Kuppuswami.
26. Subadar Major S. A. Nanjappah.
27. Mr. Al. Ar. Narayanan Chettiyar.
28. Rao Bahadur O. M. Narayanan Nambudripad.
29. Mr T. M. Narayanaswami Pillai.
30. ,, K. Krishnan.
31. ,, N. Siva Raj.
32. ,, M. V. Gangadhara Siva.
33. Rao Sahib L. C. Guruswami.
34. Mr. V. I. Muniswami Pillai.
35. ,, W. P. A. Soundara Pandia Nadar.
36. ,, S. Subrahmanya Moopanar.
37. Mr. Daniel Thomas.
38. ,, S. Venkiah.
39. ,, Syed Ibrahim Sahib.
40. Rai Sahib M. Hampayya.
41. Mr. K. Kay.
42. ,, W. O. Wright.
43. ,, C. R. T. Congreve.
44. ,, F. B. Wathen.
45. ,, A. T. Luker.
46. Rajkumar S. N. Dorai Raj.
47. Mr. S. Arpudaswami Udayar.
48. The Zamindar of Kallikota.
49. Mr. K. Ramachandra Padayachi.
50. Khan Bahadur P. Khalifulla Sahib.
51. Mr. G. Premayya.
52. Swami Sahajanandam.
53. Mr. V. Ramjee Rao.
54. The Zamindar of Seithur.
55. The Zamindar of Gollapalli.
56. Mr. P. Siva Rao.
57. ,, C. Gopal Menon.
58. ,, B. Ramachandra Reddi.
59. Rao Bahadur C. Ratnasabapathi Mudaliyar.
60. The Raja of Panagal.
61. Diwan Bahadur P. C. Ethirajulu Nayudu.
62. Mr. T. K. Chidambaranatha Mudaliyar.
63. Khan Bahadur S. K. Abdul Razak Sahib.
64. Mr. Khadir Mohideen Sahib.
65. Diwan Bahadur S. Kumaraswami Reddiyar.
66. Mr. T. M. Moidoo Sahib.
67. Diwan Bahadur A. M. M. Murugappa Chettiyar.
68. Mr. K. Sarabha Reddi.
69. The Zamindar of Mirzapuram.
70. Rao Bahadur K. Sitarama Reddi.
71. Kumara Raja of Venkatagiri.
72. Mr. A. V. Bhanoji Rao.
73. Sir A. P. Patro.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, C. V. Venkataramana Ayyangar.
4. ,, T. Adinarayana Chettiyar.
5. ,, P. Anjaneyulu.
6. ,, P. C. Venkatapathi Raju.
7. ,, J. A. Saldanha.
8. ,, Abdul Hamid Khan.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, G. Harisarvottama Rao.
11. ,, C. N. Muthuranga Mudaliyar.
12. ,, K. V. R. Swami.
13. ,, D. Narayana Raju.
14. Dr. B. S. Mallayya.
15. Mr. K. Uppi Sahib.
16. ,, K. R. Karant.
17. Mr. Narayana Rao.
18. ,, C. Obi Reddi.
19. ,, K. Parasurama Rao.
20. ,, C. Rama Somayajulu
21. ,, Bahseer Ahmad Sayeed.
22. ,, P. Bhaktavatsulu Nayudu.
23. Sriman Biswanath Das Mahasayo.
24. Mr. K. Kaleswara Rao.
25. ,, R. Srinivasa Ayyangar.
26. ,, K. Koti Reddi.
27. ,, Kameswara Rao.
28. ,, L. K. Tulasiram
29. ,, C. Marudavanam Pillai
30. ,, K. Krishnaswami Nayakar.
31. ,, Madhavan Nayar.
32. ,, C. Venkatarangam Nayudu.

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Noes—cont.

33. Mr. B. Venkataratnam.
34. ,, A. Ranganatha Mudaliyar.
35. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
36. Mr. Ramanath Goenka.
37. Mr. R. Nagan Gowda.
38. ,, C. Parthasarathi Ayyangar.
39. ,, Chavadi K. Subrahmanya Pillai.
40. ,, K. Raman Menon.
41. ,, K. Sivasubrahmanya Ayyar.

Neutral.

1. Rao Bahadur B. Muniswami Nayudu.
2. Mr. T. C. Srinivasa Ayyangar.
3. Mr. H. B. Ari Gowder.

Ayes 73. Noes 41. Neutral 3.

The motion was carried.

The amendments of Mr. Siva Rao, which ran as follows, were then put to the House and declared carried :—

'*In line* 2 *for the word* " *letter* " *substitute the word* " *letters* ".

'*In line* 3 *after the words* " *the* 6*th February* 1928 " *insert the words* " *and the* 28*th March* 1928 ".

' *Add* the following as proviso to the motion :—

'(*a*) *Provided that the representatives so selected should be allowed absolutely the same status and powers as regards the examination of witnesses and access to confidential papers and documents.*'

'(*b*) *and that they should submit their report to the Legislative Council for an expression of its opinion before the same is submitted to the Commission with a copy of the proceedings of the Council in connexion therewith.*'

Mr. Satyamurti demanded a poll and the House divided thus :

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhamad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Rao Bahadur C. V Anantakrishna Ayyar.
9. Mr. C. B. Cotterell.
10. ,, H. A. Watson.
11. ,, C. A. Souter.
12. ,, S. H. Slater.
13. ,, A. McG. C. Tampoe.
14. ,, C. W. E. Cotton.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, S. Tajuddin Sahib.
18. ,, H. B. Ari Gowder.
19. Mr. A. B. Shetty.
20. ,, J. Bheemayya.
21. ,, J. A. Davis.
22. ,, R. Foulkes.
23. ,, P. J. Gnanavaram Pillai.
24. ,, Mahmud Schmnad Sahib.
25. ,, Muppil Nayar.
26. ,, J. Kuppuswami.
27. Subadar Major S. A Nanjappah.
28. Mr. Al Ar. Narayanan Chettiyar.
29. Rao Bahadur O. M. Narayanan Nambudripad.
30. Mr. T. M. Narayanaswami Pillai.
31. ,, K. Krishnan.
32. ,, N. Sivaraj.
33. ,, M. V. Gangadara Siva.
34. Rao Sahib L. C. Guruswami.
35. Mr. V. I. Muniswami Pillai.
36. ,, W. P. A. Soundara Pandia Nadar.

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Ayes—cont.

37. Mr. Subrahmanya Moopanar.
38. ,, Daniel Thomas.
39. ,, S. Venkiah.
40. ,, Syed Ibrahim Sahib.
41. Rai Sahib M. Hampayya.
42. Mr. K. Kay.
43. ,, W. O. Wright.
44. ,, C. R. T. Congreve.
45. ,, F. B. Wathen.
46. ,, A. T. Luker.
47. Rajkumar S. N. Dorai Raja.
48. Mr. S. Arpudaswami Udayar.
49. The Zamindar of Kallikota.
50. Mr. K. Ramachandra Padayachi.
51. Khan Bahadur P. Khalifulla Sahib.
52. Mr. G. Premayya.
53. Swami Sahajanandam.
54. Mr. V. Ramjee Rao.
55. ,, P. Siva Rao.
56. ,, C. Gopala Menon.
57. Mr. B. Ramachandra Reddi.
58. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
59. The Raja of Panagal.
60. Rao Bahadur Sir A. P. Patro.
61. Diwan Bahadur P. C. Ethirajulu Nayudu.
62. Mr. Kadir Moidin Sahib.
63. Diwan Bahadur S. Kumaraswami Reddiyar.
64. Mr. T. M. Moidoo Sahib.
65. Rao Bahadur K. Sitarama Reddi.
66. Diwan Bahadur A. M. M. Murugappa Chettiyar.
67. Mr. K. Sarabha Reddi.
68. The Zamindar of Mirzapuram.
69. Kumara Raja of Venkatagiri.
70. Mr. A. V. Bhanoji Rao.
71. ,, T. K. Chidambaranatha Mudaliyar.
72. Khan Bahadur S. K. Abdul Razak Sahib.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, C. V. Venkataramana Ayyangar.
4. ,, T. Adinarayana Chettiyar.
5. ,, P. Anjaneyulu.
6. ,, P. C. Venkatapathi Raju.
7. ,, Abdul Hamid Khan.
8. ,, C. S. Govindaraja Mudaliyar.
9. ,, G. Harisarvottama Rao.
10. ,, C. N. Muthuranga Mudaliyar.
11. ,, K. V. R. Swami.
12. ,, D. Narayana Raju.
13. Dr. B. S. Mallayya.
14. Mr. K. Uppi Sahib.
15. ,, K. R. Karant.
16. ,, M. Narayana Rao.
17. ,, C. Obi Reddi.
18. ,, K. Parasurama Rao.
19. ,, C. Ramasomayajulu.
20. ,, Basheer Ahmad Sayeed.
21. ,, P. Bhaktavatsulu Nayudu.
22. Sriman Biswanath Das Mahasayo.
23. Mr. A. Kaleswara Rao.
24. ,, R. Srinivasa Ayyangar.
25. ,, K. Koti Reddi.
26. ,, V. Kameswara Rao Nayudu.
27. ,, L. K. Tulasiram.
28. ,, C. Marudavanam Pillai.
29. ,, K. V. Krishnaswami Nayakar.
30. ,, K. Madhavan Nayar
31. ,, C. Venkatarangam Nayudu.
32. ,, B. Venkataratnam.
33. ,, K. Sivasbrahmanya Ayyar.
34. ,, A. Ranganatha Mudaliyar.
35. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
36. Mr. R. Nagan Gowda.
37. ,, C. R. Parthasarathi Ayyangar.
38. ,, Chavadi K. Subrahmanya Pillai.
39. ,, K. P. Raman Menon.
40. ,, J. A. Saldanha.

Neutral.

1. Mr. T. C. Srinivasa Ayyangar.
2. ,, Ramanath Goenka.
3. Zamindar of Gollapalli.
4. Zamindar of Seithur.
5. Rao Bahadur B. Muniswami Nayudu.

Ayes 72. Noes 40. Neutral 5.

The motion was carried.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I make a suggestion, Sir ? Hitherto we discussed all the amendments together and we may be permitted to do so now also." 4–30 p.m.

* The hon. the PRESIDENT :—" I think we have disposed of almost all the motions and only a few more remain."

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Mr. J. A. SALDANHA :—" Sir I beg to move that the following proviso be added to the motion :—

'*Provided that the Committee so appointed shall proceed on the following fundamental basis of the Indian Constitution as unquestionable for the purpose of the enquiry in question, viz., the form of Government Imperial or Local to be established in India should be responsible, that is to say, a Government in which the executive should be responsible to a popularly elected Legislature possessing full and plenary powers and that such form of Government shall in no event be lower than that of any self-governing dominion in the British Commonwealth of Nations.*'

" This motion is obviously simple and at the same time acceptable to all sections of the House and therefore it seems to me it requires no argument on my part. I repeat every word uttered on behalf of the important resolution passed at the All-Party Conference held the other day at Lucknow unanimously by the Swarajists, Liberals, the Muslims and other parties. In view of the fact that it has been accepted by all parties I think this House including the hon. Ministers will accept this motion. Sir, even the British Chamber of Commerce have accepted it. And I think this will be the fundamental basis of the enquiry.

" My hon. Friend Mr. Siva Rao has not moved clauses (*c*) and (*d*) of his amendment and I do not see why Mr. Siva Rao has been my *Guru*. He is the first friend who guided me and gave me advice in everything (laughter) and who has guided my destinies to a great extent (laughter). And I appeal to my bosom friend and my political friend to support my amendment which after all is not fundamentally different from his own. And I am sure all of you will vote with me as also those on the other side of the House (laughter)."

*The hon. the PRESIDENT :—" The amendment is lost for want of a seconder."

Mr. SAMI VENKATACHALAM CHETTI :—" Under Standing Order No. 34, I beg to move

'*that this Council do pass to the business next in order in the statement of business.*

Standing Order No. 34 *runs thus* :—

' A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the meeting or business shall be adjourned or postponed accordingly, or if the motion carried be that the Council pass to the business next in order in the statement of business, the business under discussion shall be considered to be disposed of.'

" On behalf of this proposition I hope I will be permitted to state two reasons why I request this Council to pass on to the business next in order. It was only in January of this year that this Council was seised of a proposition similar to the one now under discussion, and after two days' debate in which all parties took part and several amendments were tabled, discussed, debated and disposed of we came to a certain conclusion which is by the present motion intended to be reversed The reasons which weighed this House then have not undergone any change so as to justify this Council to reverse its opinion on the merits of the question. Sir, I beg to draw the attention of the hon. Members to the proceedings of this Council on the 24th and 25th of February 1928. Hon. Members will see there that

the resolution was first moved by one belonging to my party with a demand for a Round Table Conference and a request to His Majesty to abolish the present Commission. That resolution was amended by various members belonging to various parties. For instance Mr. T. C. Srinivasa Ayyangar moved an amendment and subsequently the hon. Mr. Krishnan Nayar moved an amendment in which was some idea of co-operating with this Commission provided certain suggestions were adopted. In support of his amendment he made a lengthy speech containing certain remarkable sentences giving his reasons clearly. Mr. Arpudaswami Udayar who is always to be found on the Government side brought a further amendment and it was defeated, 31 members voting for it and 59 against. Then, Mr. President, the proposition as amended by Mr. T. C. Srinivasa Ayyangar's amendment was left for the discussion of the House. Mr. Kumaraswami Reddiyar made a very remarkable speech in which he agreed with the movers of the resolution and the amendment in all its essentials. There was therefore a consensus of opinion in favour of the resolution as it was finally passed. And nothing has happened from then till now to warrant any change in the verdict given on this question. I do not dispute the ruling of the hon. the President to allow this discussion. That is a matter which has already been disposed of though we raised objections. I do not know why the hon. the President felt compelled to allow this motion, why the House in exercise of its discretion and judgment be made to feel that it is a waste of time to reopen this question which was only passed in January last."

The hon. Dr. P. Subbarayan :—" I would like to know whether he could traverse the same ground that has been covered already."

* The hon. the President :—" He is only referring to the ruling."

Mr. Sami Venkatachalam Chetti :—" Mr. President I will be the last man to question your ruling even though it may cause some inconvenience to me. (Hear, hear from the Swarajist Bench).

" I am sorry the hon. the Chief Minister has disturbed my trend of thought. 4-45 p.m.
The House has got the power now either to allow the reopening of the question or to give the go-by to it. When the power is vested in the Council it is better that it should be exercised in the best interests and the dignity of the House. What will happen if such questions are reopened ? It may be sound and convenient to a particular set of hon. Members now to reopen the question and to get a decision perhaps adverse or in the same terms in which it was originally passed. But is that the way of helping the conduct of business in a dignified body as the Legislative Council ? That is the criterion by which you have got to judge. At certain times and places a particular kind of rule may perhaps be very convenient. But you must see what the effect will be if that rule is put into operation generally to every question that has been resolved upon. To-morrow the minority which will always be dissatisfied with the decision of the majority may reopen the question to revive discussion on the matter. It seems to me that instead of helping the speedy despatch of business we will be merely clogging the proceedings of this House by giving liberty like this of reopening the question. The House is well aware that the Government have very great powers not only outside this House but also in this House. It is wrong to think that this House has got any powers. Unless the Government also is a consenting party, absolutely

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no important power is vested in the Council. Here is a motion from the Government side asking the Council to re-open the question upon which the Council has already expressed a particular opinion. Is that a fair way of dealing with this House? Are hon. Members going to be parties to allow the Government to encroach upon their liberties and to question the soundnesss of their views? The House is aware that the Government manage things very adroitly. Are we going to allow this adroit manipulation? We must resist all attempts upon the liberties of the House. We have expressed our opinion on this question. The question was put to the House and decided upon. It ought not to be disturbed within a certain period. Otherwise there will be no finality in the matter of expression of opinion in this House. The Government will accuse us. This fortnight we may have a particular opinion. We may revise our opinion a fortnight hence or two months later. The Government will be waiting to see whether you will come to a final decision so that they may take action in a particular matter. The fact that this particular resolution is helpful to a particular set of people ought not to weigh in your minds in giving your considered opinion on the general question of re-opening questions within the period prescribed in the rules or within a reasonable period. It may be argued that so far as the rule of repetition is concerned, we are right in re-opening the discussion of this subject.

"But there is another rule which we have to observe, that is the rule of finality. Are we not offending the rule of finality by blindly following the rule of repetition? When there are two considerations it is necessary for the House to choose that which is best though it might be for the time being inconvenient. I have no hesitation in saying that the observance of the rule of finality is much more sound and much more wise for the Council than the observance of the rule of repetition.

"Further, I hope I will be permitted to refer to the practice in the House of Commons as can be gleaned from the pages of May's Parlimentary Practice and books of that sort. For the House of Commons there is a rule that a question raised in one session should not be re-opened in the same session. There is another rule that in a matter where the same question has got to be raised in the same session, it must be preceded by another motion, viz., that the previous resolution be rescinded. If that resolution is passed, then the House is at liberty to deal with the main question. Therefore, as a matter of fact, certain impediments have been placed upon the frivolous desire of the House to re-open the original decision. We have no such rule in our rules or standing orders as the Mother of Parliaments has. It is therefore reasonable that where you find a defect you must copy the example of a bigger deliberative assembly as the Mother of Parliaments. There is a palpable defect in our rules and standing orders. When such is the case, may we not follow the practice that obtains in the House of Commons? The practice there, is that such a revival of discussion should be contingent upon the resolution that the question be rescinded being carried. . ."

* The hon. the PRESIDENT:—"How are these remarks relevant to this motion?"

Mr. SAMI VENKATACHALAM CHETTI:—"On all these considerations the House will not be justified in continuing discussion on this matter. These considerations ought to weigh in the minds of hon. Members to drop this

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business out of the agenda like a hot potato. That is my reason why I have to state all these points. I beg hon. Members to see that some reasonable restraints are placed in the way of frivolous desires for reversal of original decisions. I beg of hon. Members to consider this motion as a violation of the fundamental principle of the finality of our judgments."

*Mr. C. V. Venkataramana Ayyangar :—" I have great pleasure, Sir, in seconding the motion which has been brought forward by the hon. Leader of our party. I will, first of all, appeal to my colleagues in this House in the name of consistency. Several things have been said to show that this Council is after all powerless. This Council has been called the toy parliament. Our proceedings have been more than once characterized sometimes by ourselves as farcical. We were saying that all these things were due to the fact that the Government would not give us fuller powers than what they have entrusted us with. We say that the Government are pretending to give us some powers, some representative institutions and something like a legislative body. The rules have been so circumscribed, the rules have been so limited that, practically speaking, this House has no power of any importance. While that has been stated by many of us and by many of our well-wishers, let us not show the world that not only the Government have no confidence in us but that we ourselves have no confidence in us, and that we do not properly exercise the powers that have been given to us. It is a rule of clear understanding in such public bodies as this that until a resolution is passed, the minority try to convince the majority with their views. But once the majority comes to a conclusion as against the arguments of the minority, the minority should, as a matter of courtesy and according to democratic institution the rules in, merge themselves with the majority and see that the resolution of the majority is given effect to.

" Sir, this question of the Simon Commission was discussed at great length in January last. It will be necessary for us to go a little elaborately into the wording of the various amendments and into the speeches made by various Members who spoke for and against that resolution and who have supported or opposed the amendments. I have no objection to such people as the hon. Mr. Muthiah Mudaliyar saying straightforwardly to-day that whatever might have been their original, personal and individual feelings on particular questions, 'I am here representing the Government; I am here as Minister; therefore whatever I say from these benches are the views of the Government.' The hon. Mr. Krishnan Nayar may say: 'Whatever might have been my views on the 24th or 25th of January last, since I have been raised to a more honourable position, I am now in the responsible position of a Member of the Cabinet and therefore until I choose to resign my position by insisting upon my views, I must abide by the decision of the Cabinet.' That is, I think, a very reasonable position. I do not like them to say that, in spite of all that may take place, they will continue to cherish the views they had some time before. I am now appealing to hon. Members (other than those who have been fortunate to come to the front Treasury bench) who supported the main motion last January and to those who formed a small minority and voted against the motion. You will remember, Sir, that it was said that some hon. Members did not know what they were voting for. I think that all hon. Members took the responsibility of voting for that resolution. The proposition that was brought forward that day was first moved by the hon. Member, Mr. Harisarvottama

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Rao and it was to the effect that we should have a round-table conference. The Leader of the Opposition brought an amendment on behalf of his party. The hon. Member Mr. T. C. Srinivasa Ayyangar from his position on the other side belonging to the then Ministerialist party wanted to qualify that proposition by bringing forward the amendment 'as it was then constituted.' Very many speeches were made as to what those words meant. Many of the speakers stated that 'constitution' referred only to the personnel. Some others stated that it referred not only to the personnel of the Commission but also to the terms of reference. The hon. the then Leader of the House and, I think, the hon. the Finance Member got up from their seats more than once and stated that the amendment meant exactly what the original proposition meant and that the amendment 'as it was then constituted' did not mean anything at all.

5 p.m. "That amendment 'as at present constituted' did not mean anything. The present Leader of the House then said that there should be no reservation in the minds of any one."

* The hon. Mr. Sir NORMAN MARJORIBANKS :—"On a point of order, Sir. It is now 5 o'clock. I would ask your permission to sit some time longer this evening and finish this business."

The hon. the PRESIDENT :—"With regard to the continuance of the sitting, I have got the power to determine the hour of adjournment; but, before I do it, I wish to consult the wishes of the different parties."

Mr. SAMI VENKATACHALAM CHETTI :—"Mr. President, Sir, I should like to make one or two points quite clear. I cannot agree to the proposal made by the hon. the Leader of the House. It is not in order to avoid coming to a decision on this question this very evening; but most of us, at least half a dozen of us, have got another engagement to attend to, namely, the meeting of the Corporation. It is a statutory meeting and I am not quite sure whether one or two Members might not be losing their seats in case they do not attend this particular meeting; but I am not quite sure on that point. But such a contingency may well arise, and I beg therefore that the hon. the President might not consent to the suggestion made by the hon. the Leader of the House."

* Mr. A. RANGANATHA MUDALIYAR :—"May I submit, Sir, that it is time for the House to rise? We have sat up to 5, and those of us who are attending, some of us at least, have got other engagements, to keep up and I think we have been here on the assumption that we will be sitting here only up to 5 and not later. I do not see what harm is going to happen by our rising now for the day. The matter under discussion is an important one, and I have no doubt that very many of the Members would like to speak on this."

The RAJA OF PANAGAL :—"Sir, I have no objection to have the debate closed this evening."

The hon. Sir NORMAN MARJORIBANKS :—"I do not catch the exact words of the hon. Member, Sir."

The RAJA OF PANAGAL :—"What I meant was that we might continue to sit and close the debate on the motion this day."

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* The hon. Sir NORMAN MARJORIBANKS :—" What I would submit is that if we can finish this matter to-day, we need not take up any other business, and the remaining business can be postponed to the next meeting instead of having the sitting on Friday or Saturday, so that Members can attend to the non-official business to-morrow and the day after and go home on Friday to attend to their affairs. It seems to me that that will conduce to the convenience of a larger number of Members. After all, meetings like Corporation meetings are surely not comparable with the importance of the Council meetings."

The hon. the PRESIDENT :—" Mr. C. V. Venkataramana Ayyangar may continue his speech."

(Mr. K. R. Venkatarama Ayyar rose in his seat.)

* The hon. the PRESIDENT :—" He is not a party leader. The hon. Member will kindly resume his seat."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I was saying, Sir, that with reference to the amendments moved by Mr. T. C. Srinivasa Ayyangar, the hon. the present Leader of the House remarked that that was of no use whatever. He clearly stated that with or without that amendment, the proposition as amended was quite clear and that there was to be no reservation. Both the present Leader of the House and the hon. Mr. Moir made that point clear. I am saying this in order to show that they cannot now be incorporated into that amendment much more than what it meant and what it could mean. I will not trouble the House with all amendments or speeches of others. I will only take the amendment of the hon. Mr. Krishnan Nayar. Certainly, Sir, much water has flown under the bridge since then, and what is more, several things have happened. Mr. Krishnan Nayar's amendment is now attempted to be shown as meaning that it wanted only to give power to the committees to take part in the course of the proceedings of the Commission ; but he then clearly stated that he wanted that the committees should have a voice in the preparation of the report. The most important portion of his amendment was 'Giving to the committees of the legislatures an effective voice in the shaping of the decisions of the Commission at all important stages.' That is what is most important. If Mr. Krishnan Nayar says that much water has flown under the bridge since then and there has been considerable change in the constitution of the front benches, I can very well understand it ; but it cannot be said that what exactly he wanted was not that the committees of the legislatures should be given an effective voice in the shaping of the decisions of the Commission at all important stages. I do not think, Sir, that any one can now say, even with the wildest of imagination, that the two letters which have been referred to in the motion, or anything that has taken place subsequent to the January resolution, give any power even in the minutest degree, to the committees to have any voice in the shaping of the decisions of the Commission. Mr. Kumaraswami Reddiyar, who waxed eloquent the other day to show that he was consistent, supported this amendment of Mr. Krishnan Nayar. And after that was defeated, he said 'I am very much in favour of Mr. Srinivasa Ayyangar's amendment' with a view to boycott the Commission. Therefore, he supported Mr. T. C. Srinivasa Ayyangar's amendment after the defeat of Mr. Krishnan Nayar's amendment. Mr. President, where are we now ? A small minority of the House wanted the committees to be given some

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powers in shaping the decisions of the Commission and if that be granted, to take part in or to associate or to co-operate with the Commission. Even Mr. Krishnan Nayar's amendment was thrown out by a large majority and then some of those who voted for Mr. Krishnan Nayar's amendment voted in favour of Mr. T. C. Srinivasa Ayyangar's amendment, which according to the present Leader of the House, was nothing more or less than the Swarajist resolution that day. Therefore, Sir, I am asking Mr. Kumaraswami Reddiyar and those who think and thought with him, whether they will be quite consistent if they support the present motion of the Leader of the House and say that what they said that day they are doing to-day. It is necessary to see the quantity and the quality of water that has flown under the bridge since the 24th and 25th January 1928. It will be stated, as it has been stated, that the two letters quoted in the resolution as amended now, have a serious effect. What is the effect? The original stand of the Simon Commission was that they had power to have some witnesses examined in camera. Has that point been given up? It has not been given up. There was one other position taken by the Simon Commission the other day, viz., 'we will have the power to exclude the members of the committee from some stages of the enquiry.' Now they say that you are such a harmless set of people. The only concession now given is to permit these harmless committees to be spectators or to be doing something useless. The most interesting point however is that the Commission still reserve the power of examining witnesses in camera. Whatever takes place in camera, these spectators, i.e., the members of these committees, can be looking on; but the Chairman of the Commission will say 'These are confidential matters, the witnesses are examined in camera and what is said in camera is not expected to be published, otherwise we would have allowed newspapers to be here. The object of examining the witnesses in camera is to safeguard the rights of these people who want to give evidence in camera, and therefore those members of the committee who want to attend the in-camera examination, may do so, but at the same time, since it is an in-camera examination, they should never reveal that to anybody else.' What is the use? We want witnesses to be examined, so that their evidence may be published and the opinions of these committee members based on all statements including those in camera may be discussed and included in their report. But they cannot include such opinions in the report if they think that certain portions are confidential. Because the Chairman of the Commission may very well say: 'So far as the in-camera evidence is concerned, you are precluded from referring to it in your report.' Some may disagree with me, Sir, but I do not know whether there is any other in examining a witness in camera. If a witness is examined in camera because he does not want his evidence to be published . . ."

Mr. K. Krishnan:—"May I invite your attention to Standing Order No. 57 under which no Member can take more than 10 minutes?"

* The hon. the President:—"It does not apply to this."

Mr. W. P. A. Soundarapandya Nadar:—"Mr. President, I move that the question be now put."

Mr. C. V. Venkataramana Ayyangar rose to speak.

* The hon. the President:—"A closure motion may be made even when a Member is speaking. The question now is that 'the question be now put'."

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Mr. C. V. VENKATARAMANA AYYANGAR :—"It is left to you to accept it, Sir."

*The hon. the PRESIDENT :—"I have accepted the closure motion.

The question is that the motion that the Council do pass over to the next item on the agenda be now put. I now put the closure motion to the vote of the House."

The closure motion was put to the House and declared carried.

A poll was demanded and the House divided thus :— 5-15 p.m.

Ayes :

1. The hon Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Rao Bahadur C. V. Anantakrishna Ayyar.
9. Mr. C. A. Souter.
10. ,, S. H. Slater.
11. ,, A. McG. C. Tampoe
12. ,, C. W. E. Cotton.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Tajuddin Sahib.
16. ,, A. B. Shetty.
17. ,, J. Bheemayya.
18. ,, J. A. Davis.
19. ,, R. Foulkes.
20. ,, P. J. Gnanavaram Pillai
21. ,, Mahmud Schamnad Sahib.
22. ,, Muppil Nayar of Kavalappara.
23. ,, J. Kuppuswami.
24. Subadar-Major S. A. Nanjappah Bahadur.
25. Mr. Al. Ar. Narayana Chettiyar.
26. ,, T. M. Narayanaswami Pillai.
27. ,, K. Krishnan.
28. ,, V. I. Muniswami Pillai.
29. ,, W. P. A. Soundara Pandiya Nadar.
30. ,, S. Subrahmanya Moopanar.
31. ,, Daniel Thomas.
32. Mr. Syed Ibrahim Sahib.
33. ,, Kenneth Kay.
34. ,, W. O. Wright.
35. ,, C. R. T. Congreve.
36. ,, F. B. Wathen.
37. ,, A. T. Luker.
38. Rajkumar S. N. Dorai Raja.
39. Mr. S. Arpudaswami Udayar.
40. The Zamindar of Kallikota.
41. Mr. K. Ramachandra Padayachi.
42. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
43. Swami A. S. Sahajanandam.
44. Mr. G. R Premayya.
45. ,, V Ramjee Rao.
46. The Zamindar of Seithur.
47. The Zamindar of Gollapalli.
48. The Raja of Panagal.
49. Rao Bahadur Sir A. P. Patro.
50. Diwan Bahadur P. C. Ethirajulu Nayudu.
51. Mr. P. T. Rajan.
52. ,, T. K. Chidambaranatha Mudaliyar.
53. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
54. Muhammad Khadir Mohidin Sahib Bahadur.
55. Diwan Bahadur S. Kumaraswami Reddiyar.
56. T. M. Moidoo Sahib Bahadur.
57. Rao Bahadur K. Sitarama Reddiyar.
58. Diwan Bahadur A. M. M. Murugappa Chettiyar.
59. Mr. K. Sarabha Reddi
60. The Zamindar of Mirzapuram.
61. Mr. A. V. Bhanoji Rao.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, C. V. Venkataramana Ayyangar.
4. ,, T. Adinarayana Chettiyar.
5. ,, P. Anjaneyulu.
6. ,, P. C. Venkatapathi Raju.
7. ,, J. A. Saldanha.
8. ,, Abdul Hamid Khan Sahib.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, G. Harisarvottama Rao.
11. ,, C. N. Muthuranga Mudaliyar.
12. ,, K. V. R. Swami.
13. Mr. D. Narayana Raju.
14. Dr. B. S. Mallayya.
15. Mr. K. R. Karant.
16. ,, M. Narayana Rao.
17. ,, A. Parasurama Rao.
18. ,, C. Ramasomayajulu.
19. ,, Basheer Ahmed Sayeed.
20. ,, P. Bhaktavatsulu Nayudu.
21. Sriman Biswanath Das Mahasayo.
22. Mr. A. Kaleswara Rao.
23. ,, R. Srinivasa Ayyangar.
24. ,, K. Koti Reddi.

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Noes—cont.

25. Mr. V. Kameswara Rao Nayudu.
26. ,, C. Marudavanam Pillai.
27. ,, K. V. Krishnaswami Nayakar.
28. ,, K. Madhavan Nayar.
29. ,, C. Venkatarangam Nayudu.
30. ,, K. S. Sivasubrahmanya Ayyar.
31. ,, C. Obi Reddi.
32. Diwan Bahadar R. N. Arogyaswami Mudaliyar.
33. Mr. C R. Parthasarathi Ayyangar.
34. ,, T. C. Srinivasa Ayyangar.
35. ,, Chavadi K. Subrahmanya Pillai.
36. ,, K. R. Venkatarama Ayyar.
37. ,, K. P. Raman Menon.

Ayes 61. Noes 37.

The closure motion was carried.

* The hon. the PRESIDENT :—" I now put the adjournment motion of the Leader of the Opposition to the House. The question is that the Council do pass over to the next item of business on the agenda."

The question was put and declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, C. V. Venkataramana Ayyangar.
4. ,, T. Adinarayana Chettiyar.
5. ,, P. Anjaneyulu.
6. ,, P. C. Venkatapathi Raju.
7. ,, J. A. Saldanha.
8. ,, Abdul Hamid Khan.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, G. Harisarvottama Rao.
11. ,, C. N. Muthuranga Mudaliyar.
12. ,, K. V. R. Swami.
13. ,, D. Narayana Raju.
14. ,, K. Uppi Sahib.
15. ,, K. R. Karant.
16. ,, M. Narayana Rao.
17. ,, C. Obi Reddi.
18. ,, A. Parasurama Rao.
19. Mr. C. Ramasomayajulu.
20. ,, Basheer Ahmed Sayeed.
21. ,, P. Bhaktavatsulu Nayudu.
22. Sriman Biswanath Das Mahasayo.
23. Mr. A. Kaleswara Rao.
24. ,, R. Srinivasa Ayyangar.
25. ,, K. Koti Reddi.
26. ,, V. Kameswara Rao Nayudu.
27. ,, C. Marudavanam Pillai.
28. ,, K. V. Krishnaswami Nayakar.
29. ,, K. Madhavan Nayar.
30. ,, C. Venkatarangam Nayudu.
31. ,, K. S. Sivasubrahmanya Ayyar.
32 Diwan Bahadur R. N. Arogyaswami Mudaliyar.
33. Mr. C. R. Parthasarathy Ayyangar.
34. ,, K. R. Venkatarama Ayyar.
35. ,, K. P. Raman Menon.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Rao Bahadur C. V. Anantakrishna Ayyar.
9. Mr. C. B. Cotterell.
10. Mr. H. A. Watson.
11. ,, C. A. Souter.
12. ,, S. H. Slater.
13. ,, A. McG. C. Tampoe.
14. ,, C. W. E. Cotton.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, Syed Tajuddin Sahib.
18. ,, A. B. Shetty.
19. ,, J. Bheemayya.
20. ,, J. A. Davis.
21. ,, R. Foulkes.
22. Mr. P. J. Gnanavaram Pillai.
23. ,, Mahmud Schamnad Sahib.
24. ,, Muppil Nayar of Kavalappara.
25. ,, J. Kuppuswami.
26. Subadar-Major S. A. Nanjappa Bahadur.
27. Mr Al. Ar. Narayanan Chettiyar.
28. ,, T. M. Narayanaswami Pillai.
29. ,, K. Krishnan.
30. ,, M. Gangadhara Siva.
31. ,, V. I. Muniswami Pillai.
32. ,, W. P. A. Soundara Pandiya Nadar.
33. ,, S. Subrahmanya Moopanar.
34. ,, Daniel Thomas.
35. ,, S. Venkayya.
36. ,, Syed Ibrahim Sahib.
37. ,, Kenneth Kay.
38. ,, W. O. Wright.
39. ,, C. R. T. Congreve.
40. ,, F. B. Wathen.
41. ,, A. T. Luker.
42, Rajkumar S. N. Dorai Raja.
43. Mr. S. Arpudaswami Udayar.
44. The Zamindar of Kallikota.

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Noes—cont.

45. Mr. K. Ramachandra Padayachi.
46. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
47. Mr. G. R. Premayya.
48. Swami A. S. Sahajanandam.
49. Mr. V. Ramjee Rao.
50. The Zamindar of Seithur.
51. The Zamindar of Gollapalli.
52. The Raja of Panagal.
53. Rao Bahadur Sir A. P. Patro.
54. Diwan Bahadur P. C. Ethirajulu Nayudu.
55. Mr. P. T. Rajan.
56. ,, T. K. Chidambaranatha Mudaliyar.
57. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
58. Muhammad Khadir Mohidin Sahib Bahadur.
59. Diwan Bahadur S. Kumaraswami Reddiyar.
60. T. M. Moidoo Sahib Bahadur.
61 Rao Bahadur K. Sitarama Reddiyar.
62. Diwan Bahadur A. M. M. Murugappa Chettiyar.
63. Mr. K. Sarabha Reddi.
64. The Zamindar of Mirzapuram.
65. The Kumara Raja of Venkatagiri.
66. Mr. A. V. Bhanoji Rao.

Neutral.

1. Mr. T. C. Srinivasa Ayyangar.
2. ,, Chavadi K. Subrahmanya Pillai.
3. Rao Bahadur B. Muniswami Nayudu.

Ayes 35. Noes 66. Neutral 3.

The motion was lost.

* The hon. the PRESIDENT :—" Now, the motion of the Leader of the House as amended by the amendment of Mr. P. Siva Rao is for the discussion of the House."

As Mr. Sami Venkatachalam Chetti also stood up when the hon. the President called upon Mr. Basheer Ahmed Sayeed, the latter said: " Mr. President, I will withdraw in favour of my Leader."

Mr. SAMI VENKATACHALAM CHETTI :—" May I have your leave to make a submission ? "

* The hon. the PRESIDENT :—" Is it on the motion ? I hope the submission is not extraneous to the consideration of the motion ? "

Mr. SAMI VENKATACHALAM CHETTI :—" It is not extraneous in the sense that what I am going to say is relevant to the further discussion of the motion."

* The hon. the PRESIDENT :—" Yes. The hon. Member will go on."

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, the discussion of the motion can only be continued provided you agree to the suggestion made by the hon. the Leader of the House that the Council should continue the sitting till 6 p.m. It is in respect of that I desire to make a submission. No doubt, the hon. the Leader of the House and the Raja of Panagal have agreed that the House may continue to sit till 6 p.m. I think the Raja of Panagal went further and said that the Council might sit till the debate on this question is closed."

The RAJA OF PANAGAL :—" May I offer a word of explanation, Sir. Some members of my party expressed a desire that they should leave Madras as early as possible. So, I wanted that this debate should be closed to-day."

Mr. SAMI VENKATACHALAM CHETTI :—" I myself and my hon. Friend, Mr. Ranganatha Mudaliyar, the Leader of the other party, have expressed our inconvenience to continue to sit till 6 p.m. to-day. The argument advanced by my hon. Friend the Raja of Panagal, I am afraid, cannot be

[Mr. Sami Venkatachalam Chetti] [4th September 1928

quite correct for this reason that the session is not to be closed to-day. There are two more days for the meeting even according to the original programme. I do not expect that the hon. Members of his party are going out of Madras just at a time when the non-official questions are going to be discussed. That is purely a different matter. But I have to respectfully submit that in matters of this sort, though the President has got absolute right to adjourn the sitting of this House to any time he pleases, as has been advanced in the forenoon of this day and yesterday also by the hon. the Advocate-General, such a discretion and such an exercise of right should be regulated by certain well-known principles. After all, if it was intended that it should be exercised as you pleased, there would be no necessity to consult the leaders of the various parties in the Council. You readily felt that the convenience of a large number of Members is much more necessary than your personal convenience, and therefore it was that you extended the privilege of consulting the leaders of parties as to their convenience. Therefore, it ought not to be a formality to ask them whether a continuous sitting will be convenient or not convenient, and then exercise your right. After all, if you are going to be guided as you seem to think—if I may venture to say so—if you are going to be guided by the representations of the larger section of the House, then the leaders of minority parties will always be at a disadvantage. Then, there will be no exercise of your right, except throwing the burden upon the majority. It is just to protect the minorities against the intrusions of the majority that the President should exercise his right. To-day we stand in need of such protection. After all, the duty of the Opposition is not only to criticise the actions of the Government but also to do everything in its power to obstruct the Government. Therefore umbrage need not be taken at any attempt on our part, which is justifiable from our point of view. As a matter of fact, if we are having recourse to such obstructive methods, the Government ought to be thankful to us to the extent that we are helping them to conduct the proceedings. The legitimate function of the Opposition is to see that the Government comes to a standstill. Therefore, Sir, with your ripe experience of Parliamentary practice, and, much more than that, with your ripe experience of human affairs, knowing as you do how minds of persons situated in particular positions and in particular circumstances will be working, it is only reasonable for us to expect that our right should be protected."

5-30 p.m. * The hon. the PRESIDENT :—" I heard the Leader of the Opposition very carefully. He referred to the question of inconvenience to a certain section of his party on account of the meeting of the Corporation."

Mr. SAMI VENKATACHALAM Chetti :—" One of the grounds."

* The hon. the PRESIDENT :—" So far as that is concerned, Members must elect either to sit in this Assembly or another statutory body according to the requirements and importance of either body. On a former occasion when a similar appeal was made on the ground that some Members wanted to attend a meeting of the Senate of the Madras University, the Council, in spite of the representation, was allowed to continue Therefore on that ground, I believe I cannot accept the adjournment.

" Regarding the obstruction of the Government, as the President of the House, I cannot accept it as a legitimate weapon to be encouraged.

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"The continuance of a sitting of the House on particular occasions with a view to finish the agenda or an item thereof is not quite an unusual practice in this House. Under the circumstances, I continue the sitting of the House."

The hon. Dr. P. SUBBARAYAN :—"I move, Sir, that the question be now put."

At this stage all the Members of the Congress Party headed by Mr. Sami Venkatachalam Chetti walked out of the House.

* The RAJA OF PANAGAL :—"Mr. President, Sir, in the course of the debate there has been a great deal let out by way of anticipation, by way of foreboding. Had, however, the hon. Members been content with their anticipations and forebodings I would not have intervened in the debate, particularly at this late hour. Some of the hon. Members, I am sorry to say, went much further and made insinuations attributing unworthy motives to those who might vote for the motion. My party, Sir, is prepared to vote for the motion and is ready to face the threatened consequences. In politics we cannot always expect to have unanimity. Differences of opinion are bound to be there. But what really distresses me is the habit of some of the hon. Members who, the moment they see others differ from them, begin to say that the difference is due to temptations of personal gain. Is there in that habit their own experience reflected? If so, Sir, it is to be greatly deplored.

"Mr. President, so far as the party I have the privilege to represent is concerned, I am proud to say that its attitude has been throughout straight and consistent. The party like many other parties in the country, deeply regretted the circumstances that led to the unexpected constitution of the Statutory Commission without Indian element in its personnel. And when the formation of the Committees of the Indian Legislatures was first proposed the party declared in no ambiguous terms its unwillingness to have anything to do with the Statutory Commission unless the terms on which the Indian Committees have to collaborate with the Commission are, in its opinion, honourable. The party executive passed a resolution to that effect. Later on, Sir John Simon announced the procedure to be followed in carrying on the investigation entrusted to the Commission and incidentally referred to the powers of the Commission to examine witnesses in camera to the exclusion of the Members of the Indian Committee and restrict those members' perusal of the documents presented to the Commission. The party decided to refrain from co-operation with the Commission unless the Commission's powers referred to above were taken away and that decision I, as the leader of the party, telegraphed to Mr. Ramaswami Mudaliyar, the party's representative in All-Parties' Conference, when for the first time it met at Simla. Further, when in January last the resolution expressing no-confidence in Simon Commission was discussed on the floor of this House, the party's position was made clear, in the party amendment moved by the hon. Member for Malabar. I am glad a reference has been made to the speech of the Mover of that amendment. Sir, with your permission, I will read what exactly he stated in his speech. He said, 'If, say, the Committees that have to be appointed by these Legislatures are allowed to sit with the Commission and take part in the examination and cross examination of witnesses that may appear before the Royal Commission, that will be giving them an effective voice or power,

And then, again, this is what we want. These committees of the legislature should be given power to see all the documents, official and non-official, public, private or confidential, that may be placed before the Royal Commission by the Government of India or by the Provincial Governments. These committees of the legislatures, according to my statement, must be given such powers as the Commission have for scrutinizing all materials, documentary or oral, confidential or otherwise, that may be placed before this Commission' . . . 'If the Commission is prepared to give these powers to the committees, then we shall co-operate; if it does not, we shall not.' Sir, in the light of this statement and of the fact that all the members of the party voted for the amendment, can there be any doubt in regard to the party's attitude towards the question of co-operation with the Simon Commission? The party never committed itself to absolute non-co-operation under any conditions. On the other hand the party made it clear that if the in camera examination and the restriction on the accessibility of the members of Indian Committees were done away with, it would have no objection to co-operate with the Commission. It is true that some of the members of the party voted for Mr. T. C. Srinivasa Ayyangar's amendment. They did so because they were particular to express their sense of dissatisfaction at the Simon Commission as it was then constituted with powers to exclude the members of the Indian Committees from taking part in in camera examination and from having access to all documents, private or public. They had no other amendment by supporting which they could reduce the resolution to exactly represent their views on the question. They interpreted Mr. T. C. Srinivasa Ayyangar's resolution as one suggesting contingent non-co-operation, the contingency being the non-removal of the Commission's powers to restrict the liberty of the members of the Indian Committee to examine witnesses in camera, and read all documents. Now that these powers of the Commission are removed it is open to the party to co-operate with the Commission. Their support to Mr. T. C. Srinivasa Ayyangar's amendment cannot be said to operate as res judicata. That amendment, as I have already pointed out, modified the resolution moved by the Leader of the Opposition and reduced the recommendation to a conditioned one. The party therefore is perfectly at liberty to co-operate with the Commission as the features of the procedure as originally proposed by Sir John Simon and objected to by the party are removed.

"Moreover, Sir, almost all other provincial councils have elected committees to co-operate with the Commission. Even the Nehru Committee appointed by the All-Parties' Conference has in a way begun to co-operate with the Statutory Commission by preparing its admirable report for the Commission's consideration. It will be the height of folly if as matters stand now our Council should keep aloof and allow the strong case made out in the Nehru Report to go by default, without members of our Council Committee having an opportunity to elicit facts in the oral examination of witnesses to substantiate the statements made in that report.

"It is whispered in some quarters that some of the members of the party pressed for the issue of a Royal Warrant recognizing the status of the Indian Committees. It must be remembered that the party made this demand as an alternative to the removal of restrictions imposed upon members of the Indian Committees. The original demand itself is conceded. Besides, the issue of Royal Warrant was demanded in the case of the Committee to be

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elected by the Assembly and the Council of State. That Committee has not been elected. When it is elected, that Committee may still urge the issue of a Royal Warrant or the adoption of any other measure to improve its status.

"Sir, for these reasons my party thinks that it should vote for the motion, and allow the Council to elect its Committee to co-operate with the Commission."

* Mr. A. T. Luker :—"Sir, I am the elected member of the Madras Trades Association. The members of the Madras Trades Association have business in all parts of South India. Our philosophy and psychology is learned in a practical school and not taken out of text-books. We have been watching the progress of things for some time and it is obvious to us that there is a large and increasing majority of people in favour of co-operation with the Simon Commission. I support the motion."

* Mr. K. R. Venkatarama Ayyar :—"Sir, with your permission I wish to make a statement to the House. Proceedings have been instituted in the High Court of Madras this afternoon calling in question the ruling that has enabled the hon. Sir Norman Marjoribanks to move the resolution that has been discussed to-day and the competence of this House to entertain this motion and discuss it. Arguments being part-heard before a learned Judge of the High Court, they are to be continued to-morrow. I wish to point out this and to characterise it, if I may, as an impropriety if in the meanwhile this House rushed with its debate after half past five this evening and made up its mind to reach a conclusion, notwithstanding the pendency of these proceedings . . ."

* The hon. the President :—"This House need not take notice of anything that takes place outside. This is a statutory body with high functions and responsible to the country. It knows how to conduct its own affairs. Therefore the hon. Member will not be justified in submitting to the House what takes place outside.

"I take it that the House is ready to vote on the question.

"The question is—

'That for the purpose of jointly conferring with the Indian Statutory Commission on the terms stated in the letters of the Chairman of the Commission to His Excellency the Viceroy, dated the 6th February 1928 and the 28th March 1928, and in the further announcement published by the Government of India on 23rd June 1928, this Council do proceed to elect seven representatives in accordance with the regulations made by the hon. the President under Standing Order No. 77 for the holding of elections by means of the single transferable vote; 5-45 p.m.

'Provided (*a*) that the representatives so selected should be allowed absolutely the same status and powers as regards the examination of witnesses and access to confidential papers and documents, and (*b*) that they should submit their report to the Legislative Council for an expression of its opinion before the same is submitted to the Commission with a copy of the proceedings of the Council in connexion therewith.'"

The motion was put and carried.

The House adjourned (at 5-45 p.m.) to meet again at 11 a.m. next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

[4th September 1928

Appendix I.

[Vide clause (*a*) of question No. 89 asked by Mr. G. R. Premayya at the meeting of the Legislative Council held on the 4th September 1928, page 155 supra.]

Circular Dis. No. 707 *of* 1925.

Cases have come to the notice of the hon. the Judges recently where application has been made for exempting from age-bar certain Brahman clerks. The appointments in question appeared to be contrary to the principles laid down in G.O. No. 613, Public, dated 16th September 1921, regarding the appointment of Non-Brahmans to Government service. It has been pleaded on behalf of the men recommended for exemption that they have been employed as acting clerks for a number of years and that it would be hard upon them after several years' acting service to refuse confirmation on the ground that they are overaged. The High Court however considers that to accept this principle would amount to an evasion of the principles upon which the Government Order is based. It is therefore directed that even in making acting appointments due regard must be had to representation of the various communities and District Judges are informed that where the principles of G.O. No. 613, Public, have not been so complied with, exemption from age-bar will not be given merely because the individual on whose behalf exemption is sought has been acting in various vacancies for a considerable period.

High Court of Judicature, Madras,
20th March 1925.

K. Kuppuswami,
for *Registrar*.

Appendix II.

[Vide answer to question No. 99 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 4th September 1928, page 160 supra.]

G.O. Mis. No. 1340, Public, dated 22nd December 1927.

Read—the following paper :—

From the Inspector-General of Police, R.C. No. 245-E/27, dated the 10th December 1927.

Order—Mis. No. 1340, *Public, dated 22nd December* 1927.

The Government are pleased to exempt from the provisions of Article 1 of the Public Service Notification—M.R.Ry. K. Padmappa. This exemption covers only the post of Inspector of Police, third class, on Rs. 175 per mensem.

4th September 1928]

2. The Government also sanction his temporary exemption for the period 1st May 1927 to 31st May 1927 when he held charge of the Mangalore circle.

(By order of the Governor in Council)

A. Y. G. CAMPBELL,
Chief Secretary.

To the Inspector-General of Police.
,, Accountant-General.
Copy to the Judicial Department.

APPENDIX III.

[Vide answer to question No. 103 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 4th September 1928, page 162 supra.]

Copy of Resolution from the Board of Revenue (Land Revenue and Settlement), Mis. No. 2904, *dated* 7*th October* 1927.

The Board has carefully examined the Collector's proposal but considers that, in view of the infinite variations in the conditions of spring channels and the many districts in which they are found, it is not possible to fix an exactly appropriate rate of fasaljasti without exhaustive enquiries in several districts. Any change in the rates would involve the upsetting of the settlement rates in many districts which is obviously undesirable during the currency of a settlement. It would, in the Board's opinion, also form a dangerous precedent.

2. The Board observes that the cost of cultivation under spring channels was allowed for by placing the sources in a lower class than would otherwise have been the case; the wet assessment is generally low and the fasaljasti correspondingly moderate. It is not likely that the fasaljasti will amount to half the net value of a crop though it may be higher relatively than the charge on lands under tanks. Further, if the cost of clearance per acre is as great as alleged, it is clear that the assessment is only a small addition to the cost of cultivation and there is no reason to believe that it is so high as to deter ryots from cultivating a second crop where water is available. In the circumstances the Board does not consider it desirable to take further action in the matter.

[4th September 1928

Appendix IV.

[Vide item " V. Communication to the Council " on page 171, supra.]

GOVERNMENT OF MADRAS

PUBLIC DEPARTMENT

PRESS COMMUNIQUÉ.

Fort St. George, the 31*st August* 1928.

The Government have observed suggestions in the Press and have received representations to the effect that they might with advantage have intervened in the disputes between the South Indian Railway workmen and the company and might even now intervene to compose the differences that exist. There has also been some misunderstanding of the actions and attitude of the magistracy and the police during the strike. The Government therefore deem it advisable, now that the general strike is over and the situation has become more settled, to publish a brief statement of the facts of the strike and the attitude of the Government in relation thereto.

2. The cause of the dispute between the workshop workers and the Railway Administration was the reorganization of the shops necessitating a considerable reduction in the number of hands employed. As the Railway Administration was unable to undertake to find employment for all the men and as the men refused to agree to the methods of selection proposed by the management, matters came to a deadlock and with effect from the 29th June the workshops at Golden Rock, Negapatam, Podanur and Trichinopoly were closed (with the exception of a part of the shops at Golden Rock) by the Administration. The deadlock continued till, on 18th July 1928, the President of the Central Committee of the Labour Union, Trichinopoly, suggested to the Agent arbitration by the Labour Commissioner on the four points—

(1) Payment of lock-out wages.
(2) Absorption of surplus men after voluntary resignation.
(3) Increase of menials' wages.
(4) Redressing of running men's grievances.

The Agent replied accepting the principle of arbitration in regard to the matter of menials' wages and the running staff's grievances provided that the general strike were called off. He pointed out that there could be no change in the policy of reduction settled with the approval of the Government of India. The reply to this was that, as arbitration had not been accepted on all four points, the

4th September 1928]

President could not place the matter before his committee, and in the result a general strike was declared on the railway with effect from the night of the 19th—20th July in sympathy with the workshop hands.

3. The police measures taken before the strike occurred were directed mainly towards safeguarding railway premises at the chief stations, and to holding men in reserve to meet possible developments. The main centres where trouble was most likely were thought to be Trichinopoly and Negapatam and forces of reserve police were stationed at these places. In addition, the railway police were strongly reinforced in order to protect the more important places, such as the watering and engine-changing stations. It was not anticipated that serious acts of violence would occur as they did all over the metre gauge system. When it became apparent that acts of violence might be anticipated at any point, police guards were provided on such trains as continued to run and on the pilot engines. In addition to these measures, police patrols were established along the line and the headmen of the villages traversed by the railway were directed to patrol the line within their village limits. These measures were effective as acts of violence practically ceased after the first four days of the strike, although a few sporadic attempts to damage the line occurred: so recently as 10th August, an attempt at derailment was frustrated and a man was arrested and charged for tampering with the permanent way near Pattaivayathalai station. The train service which had since the beginning of the strike been restricted to six trains running by day light was gradually increased from the 25th onward and night running was re-established from the 27th July.

4. From the outset of the strike numerous acts of sabotage and mob violence took place. The local magistracy found it necessary in several places to have recourse to the power vested in them by the law, to forbid by means of orders under section 144, Criminal Procedure Code, public meetings thought likely to lead to breaches of the peace. Such orders were passed in Madras City, Chingleput, Salem, certain parts of the Trichinopoly district, Negapatam, Mayavaram, Panruti, Villupuram, Cuddalore, Nellikuppam and Erode. In all cases, except Trichinopoly where they have been retained in force for the present, the orders were withdrawn by the magistracy as soon as the necessity for them appeared to have passed. A considerable number of prosecutions have already ended in the conviction of the accused for rioting and for offences under the Railways Act. Other cases are still under trial including charges against the leaders of the Labour Union and this being so the Government do not propose to refer to offences alleged in these cases.

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5. The magistracy and police thus took no action beyond that dictated by their responsibilities for the preservation of the public peace.

6. As regards possible intervention by the Government in the dispute, it will be seen that at the outset when the Agent was willing to accept arbitration on certain matters (affecting the menials and running staff) the union officials were not prepared to accept the offer. Later the Agent, on the ground that those who professed to represent the Labour Union were unable to influence the men, withdrew his recognition of the union. At the present time the position has further materially altered. The menials and running staff have gone back to work and the Government understand that the Agent has invited deputations to meet him to discuss any misunderstandings still existing. The Government trust that as the result of these negotiations an amicable settlement will be arrived at. As regards the workshop hands whose objection to the reductions in the shops led up to the strike, they have now all resigned and are drawing their bonuses and other dues under the terms of the Agent's original offer. Any workman is at liberty to offer himself for re-engagement on the terms advertised by the Agent. There is thus at present no question left on which to arbitrate in this matter.

7. The Government have thus been ready to offer their mediation wherever such mediation was practicable and acceptable to the parties concerned, but their chief duty has been and will continue to be to enforce the law against violence, and other illegal acts, to ensure as far as possible the safety of the travelling public, to prevent the disturbance of the public tranquillity and to bring to punishment those guilty of offences. They have no intention of condoning offences or of ordering a general withdrawal of cases from trial by the courts of law.

H. G. STOKES,
Acting Chief Secretary.

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